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THE DEVELOPMENT OF SELF-GOVERNMENT IN INDIA, 1858–1914

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NEW YORK

THE CAMBRIDGE UNIVERSITY PRESS
LONDON

THE MARUZEN-KABUSHIKI-KAISHA
TOKYO, OSAKA, KYOTO, FUKUOKA, SENDAI

THE MISSION BOOK COMPANY
SHANGHAI

THE DEVELOPMENT OF SELF-GOVERNMENT IN INDIA 1858–1914

By

CECIL MERNE PUTNAM CROSS

THE UNIVERSITY OF CHICAGO PRESS
CHICAGO, ILLINOIS

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Published July 1922

Composed and Printed By
The University of Chicago Press
Chicago, Illinois, U.S.A.

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PREFATORY NOTE

The conviction that the political development of India was to be one of the most important problems before the world in the next twenty years, was the primary motive in undertaking the investigation of the development of self-government in India during the years from the mutiny to the outbreak of the world-war.

The period since 1914 has been obscured by the censorship, propaganda, and misinformation to such an extent that partisanship, which has no place in such a treatise, has no means of being controlled or evaluated. This investigation has, therefore, been confined strictly to developing a background for a comprehension of the forces and movements at work in India.

Since the war new figures, such as Ghandi, and new methods or modifications of methods, such as non-co-operation and the Hindu-Mohammedan entente, have come, but at this date little essential alteration has been effected in the current of events, the outcome of which must be awaited with anxious concern not only by the British Empire but by the world at large.

A personal debt of gratitude is owed to the courteous authorities of the University of Chicago Library, the Massachusetts State Library, the Columbia University Library, and the Library of Congress for their invaluable assistance in this work; and a still deeper obligation for the inspiration and assistance of the members of the faculty of the University of Chicago.

ADEN, ARABIA
March 20, 1922

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CHAPTER I

INTRODUCTION

English rule in India the most colossal missionary enterprise in history
The establishment of British rule in India
- The East India Company
- Footholds
  - Madras, 1639
  - Bombay, 1662
  - Bengal, 1765
- Expansion, centering largely around Bengal and up the Ganges Valley
- Rivals: Mughals, French, Mahrattas

The problem encountered by the English in their attempt to Anglicize India
- The territorial immensity of India
- The enormous population
- The climate
- Race antipathy ✓

The attitude assumed by England
- The liberal policy—governing for the good of India
- The conservative policy—the exploitation of India

The execution of the policies
- Black spots on England's record
- The good side

The degree of success achieved
- Material
- Moral
- The form of government possibly the most enduring of all the English contributions

The forces enabling England to maintain her supremacy
- The divisions of India
- Military superiority and precautions

The attitude of the natives toward England
- Lack of love for English rule
- Preference for English over any other foreign domination

The development of self-government in India is a drama for the last act of which the curtain has not yet risen, and it would perhaps be premature to even assert that the stage has yet been set for it, although there are stirrings and noises that seem to indicate that the scene-shifters are at their work.

When the last curtain does finally fall, however, whether it be on a new nation or on a new self-governing colony of the British Empire, it will be the finale of one of the most colossal missionary undertakings in history, an attempt by a nation to impose its civilization on a continent teeming with a population seven fold its own in numbers, thousands of miles distant, and already equipped with highly developed, complex civilizations which were hoary with antiquity before the dawn of history rose upon its own existence.

The development and continuance of the political dominion over India which alone has made the experiment possible has been on the whole a purblind process, made up of opportunism, mingled with an occasional stroke of audacious genius. Its motives have been predominantly commercial, colored by the impulses characteristic of imperialism and blended at times with lofty idealism.

It is not the purpose of this thesis to trace the growth of the British power in India, but certain of its broad features may well be brought to mind. It began with the operations of the British East India Company, a typical chartered trading company, which received its first charter from Queen Elizabeth in 1600. Steady and strong support from the English government and people, in its rivalries with the Portuguese, Dutch, and later with the French, eventually enabled it to drive them from the field.

The Company secured its first territorial foothold in 1639 at Madras, where Francis Day built Fort St. George. In 1662 Bombay came to England as part of the dowry of Catharine of Braganza, of Portugal. Charles II turned it over to the Company, which for safety against the Mahrattas made it the west coast base. The third leg of the tripod on which England has built up its supremacy in India was obtained in 1765, when the Company secured the diwani of Bengal.

From these three centers, Madras, Bombay, and Calcutta in Bengal, England spread her power out over the country in the years of the dissolution of the Mughal Empire of Delhi, engaging in a death struggle with the French, the Mahrattas, and the Sikhs for the estate. Bit by bit as necessity required or opportunity offered, Clive and his coadjutors and successors added to the English territory.

The Ganges Valley, which proved the easiest prey, was the first and most persistently exploited field. Consequently, most of the annexations were made to Bengal. Madras took very nearly its present shape as a province at the fall of Tipu Sultan in 1799. Bombay secured practically all of its provincial territory at the close of the third Mahratta

war in 1818. With these exceptions most of the rest of the acquired areas went to Bengal and resulted in its governor being elevated to a position of supremacy over Bombay, Madras, and the rest of India. The unwieldiness of its bulk necessitated the erection of parts of its territory into new provinces, and the creation of the governor-generalship dimmed the glory of its governor, but Bengal retained its political pre-eminence until 1911 when the capital was removed to "Delhi of the Great Mughal."

The process was not uniform, however. In all the provinces large enclaves and bits of territory have continued under their native rulers who acknowledged the suzerainty of England, and who are controlled entirely by her in their foreign relations, and whose internal administration is supervised to a varying extent by her officials. These native states lie beyond the scope of a study of the development of self-government in British India. Each has its own history, and for the great progress which, in certain instances like Baroda, has been made, England has been only secondarily responsible through advice and example.

Within her own territories it has been otherwise. The problems of government have been innumerable, and the difficulties enormous, perhaps insurmountable, but in meeting them, England has had a free hand. Her work is her own. She is entitled to the credit for her successes, but must, on the other hand, bear the blame for mistakes. Particularly is this true since 1858, when the political dominion of the East India Company was abolished and the British government itself took charge. It is with that date, then, that we begin our study.

The development of self-government has until very recently been only one insignificant aspect of the administrative phase of the work of England in India. To get it in its proper setting and perspective, and to appreciate how great even that part of the work has been, some realization of the problem is necessary even at the risk of platitudes.

The India[1] which confronted England was a continent as large as Europe west of the Vistula, and with thirty millions more people, full of ancient nations, of great cities, of varieties of civilization, of armies, nobilities, priesthoods, and organizations for every conceivable purpose from the spread of great religions down to systematic murder. It was the birthplace of two of the great religions of the world and the battle ground of three, or, counting Christianity, of perhaps four. Among its peoples religious animosity still smoldered with a fury and fanaticism never

[1] Meredith Townsend, "Will England Retain India?" *Contemporary Review*, LIII (1888), 795–96.

equaled in the West. No practice seemed too cruel or degrading according to occidental standards to be jealously cherished by some Indian sect as an all-essential to be defended and preserved even in certain instances at the cost of life itself.

Within its confines were twice as many Bengalis as there were Frenchmen in Europe. The Hindostanees, properly so called, outnumbered the whites in the United States in 1888. The Mahrattas would have filled Spain. The people of the Punjab with Scinde would have doubled the population of Turkey. These were but four of the more salient divisions. As for the whole population, one modern agitator said, "If every native were to spit in a tank, there would be enough to drown every European in India";[1] or in the words of Lord Curzon, "The English in India are indeed little more than a little foam on a dark unfathomed ocean."[2]

The people were of all imaginable types. Some were the fighting races of the north, whose males were as big, as brave, and more reckless of death than those of the white races, and numbered in 1888 at least one hundred and twenty million. At the other extreme were the docile, depressed, servile millions of outcasts, and the timid aboriginals of the jungles. On the one hand were the intellectual and cultured Brahmins, on the other, the Ghonds and Bhils.

Over five hundred languages were spoken within its limits, comprising fourteen major groups. There were tens of millions of peasants whose hoarding had made of India for ages the great absorbent of the precious metals; tens of millions of peasants beside whose poverty fellahs were rich, for when all is said, India has long been, as far as the masses are concerned, the poorest of the great countries of the world. Its millions of artisans, ranging from the men who have built its wonderful palaces to those who, nearly naked and almost without tools, do the humblest work, have toiled unceasingly in vain efforts to escape the famine which has continued to stalk through the land.

Such were some of the material aspects of the situation that has confronted the English. On the political side and more specifically bearing on the development of self-government, Lord Lytton put the problem thus:

> It must, however, be remembered that the problem undertaken by the British rulers of India [a political problem more perplexing in its conditions

[1] Erroll, "The Recent Crisis in India," *Nineteenth Century Review*, LXII (1907), 202.

[2] Georg Wegener, "A German's Impressions of India," *ibid.*, LXXIII (1913), 961.

and as regards the results of its solution more far-reaching than any which since the dissolution of the *Pax Romana*, has been undertaken by a conquering race] is the application of the most refined principles of European government and some of the most artificial institutions of European society to a vast oriental population, in whose history, habits, and traditions they had had no previous existence. Such phrases as "Religious Toleration," "Liberty of the Press," "Personal Freedom of the Subject," "Social Supremacy of the Law," and others, which in England have long been the mere catchwords of ideas common to the whole race and deeply impressed upon its character by all the events of its history and all the most cherished recollections of its earlier life are, here in India, to the vast mass of our native subjects the mysterious formulas of a foreign and more or less uncongenial system of administration, which is scarcely if at all intelligible to the greater number of those for whose benefit it is maintained. It is a fact which when I first came to India was strongly impressed on my attention by one of India's wisest and most thoughtful administrators. It is a fact which there is no disguising, and it is also one which cannot be too constantly or too anxiously recognized, that by enforcing these institutions we have placed and must permanently maintain ourselves at the head of a gradual but gigantic revolution, the greatest and most momentous social, moral, and religious, as well as political revolution which perhaps the world has ever witnessed.[1]

Added to all this was a climate which, even when unmixed with alcohol and modified so far as medical science is yet able, makes permanent settlement forever impossible for a northern white race.[2] The race problem in its narrow social sense of racial antipathy was not of particular importance until the last half-century, but it is now steadily becoming an increasing and more menacing difficulty.

Such were the conditions with which England was confronted. What was the goal which England set up to guide her in dealing with the situation, and what were the motives which impelled her to seek to imprint her civilization on the millions of India? No aim was ever held very clearly or steadily in mind, but there seems to have been a conviction that things English were the best in the world and must be carried wherever Englishmen went in their quest for wealth or power. To this major premise was added the minor, that what was good for the Englishman must be good for the natives and therefore must be given them. As *Fraser's Magazine* put it in 1873:

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XVII (1878), 176.

[2] Sidney Jones Owen, "The Stability of Our Indian Empire," *Contemporary Review*, XXXI (1877), 495.

We have been induced to act thus from the conviction, which is so strong among us that it almost amounts to a mania, that because these are English institutions, and have conduced to make England great and prosperous, therefore they must inevitably have the same effect in India.[1]

Still farther in the background were the impelling motives that brought England into India in the first place and still keep her there. Originally it was the desire for commercial gain that lured the ships of the East India Company to Surat and the Malabar Coast. When the disorder consequent on the crumbling of the Mughal Empire reduced the profits of legitimate trade, the opportunity for deriving even greater returns by participating in the wars of the country and jealous rivalry with the French impelled the Company to embark on a career of territorial aggrandizement that lasted until the Crown assumed control, and may be said to have been continued by it down to the present day. Under the Crown, however, it has been rather more of a question of staying and retaining India *in perpetuum* as part of the British Empire than of advancing the frontiers.

In regard to this there have been, broadly speaking, two general classes of arguments and theories as to the proper policy to pursue. The first has been that of the Liberals: that England, since she was in India as the governing power, must act as a species of patron saint to guide the natives in the paths of progress, and that her policy should be framed primarily for the good of India. The other contention has been that the English were in India first of all for the same reason which brought their forefathers there in the first place—the good of England—and that Indian interests were but secondary, and to be considered only when convenient.

The justification of the one attitude was its altruism and idealism. The reasons advanced to support the other view were: the anarchy and horrors which would follow leaving India to the "natives," and for the prevention of which England was entitled to remuneration; the great commercial profits to be derived from the commercial exploitation of the country; the financial gains to be drawn from its government in the form of salaries and pensions for officials and soldiers; its value as an outlet for the activity of England's surplus youth; its military value as a training ground for England's army; and lastly its political worth as an important element in England's political and international prestige. To secure and maintain these advantages India must be held in close

[1] "S," "The Functions of Government in India," *Fraser's Magazine*, LXXXVIII (1873), 208.

leash by military force, and in consequence the adherents to this type of theory have opposed all concessions and advocated repression.

In the words of Herbert Taylor in 1881:

All self-deception must be cast aside, with all expression of pharisaical philanthropy; and we must boldly acknowledge what nine out of ten of us deny with our lips, though confessing in our hearts, that we are in India primarily for our own national good.[1]

Mr. McLean, M.P.,[2] repeated this thought in 1889 when he said:

Let us have the courage to repudiate the pretence which foreign nations laugh at, and which hardly deceives ourselves, that we keep India merely for the benefit of the people of that country, and in order to train them for self-government. We keep it for the sake of the interests and the honour of England, and the only form of government by which we can continue to hold it in subjection is that of a despotism.[3]

On the whole the expressions of the liberal view have been the most frequent. For instance, John Bright in 1858 said: "You may govern India, if you like, for the good of England, but the good of England must come through the channel of the good of India."[4]

Gladstone in his Limehouse speech said that, "Our time in India depended on our stay there being profitable to the people and our making them understand that. . . . . It will not do for us to treat with contempt or even with indifference the rising aspirations of this great people."[5]

Lord Northbrook in the same vein said: "Never forget that it is our duty to govern India not for our own profit and advantage but for the benefit of the natives of India."[6]

[1] Herbert Taylor, "The Future of India," *Contemporary Review*, XXXIX (1881), 475–76.

[2] *Voice of India*, VII (1889), 302.

[3] See the following articles for additional illustrations of the exploiter's views. "The English in India," *Westminster Review*, LXIX (1858), 199 *et seq*; "The Climate and the Work," *Cornhill Magazine*, VI (1862), 244; M. E. Grant-Duff, "India, Political and Social," *Contemporary Review*, XXVI (1875), 857-86; H. G. Keene, "John Bull's Eastern Estate," *Westminster Review*, CXLVII (1897), 357–66; Arthur Sawtell, "India under British Rule," *Proceedings of the Royal Colonial Institute*, XXXVII (1906), 291; George Chesney, "The Value of India to England," *Nineteenth Century Review*, III (1878), 227–38; H. Fielding Hall, "The Competition Wallah," *Fortnightly Review*, XCIX (1913), 279–89. The soundness of the arguments thus advanced has at times been denied. In this connection see the following articles: M. E. Grant-Duff, *loc. cit.*; Grant Allen, "Why Keep India?" *Contemporary Review*, XXXVIII (1880), 544–56.

[4] *Parliamentary Debates*, N.S., Vol. CLI (1858), col. 346.

[5] *Ibid.*, 4th Ser., Vol. III (1892), col. 94.

[6] Bernard Mallet, *Thomas George, Earl of Northbrook*, p. 135.

In 1892 Mr. McNeal said in Parliament, "Englishmen or Europeans ought to leave India if they did not stay there for the benefit of the people."[1]

A. G. Leonard in 1909 repeated the same thought in the *Westminster Review*.[2] He wrote:

> As a point of honour alone, it is obviously our duty to do nothing in India that will earn for us the hatred of her people and the subsequent reproach of humanity, when in the days that are to follow the history of our relations with her shall come to be written. It is within our reach on the contrary to make our administration of India a living monument of British greatness and humanity that will earn for Great Britain an enduring and imperishable fame. . . . . To arrive at this climax we must not only care for and foster Indian interests as they were one with ours, but also make it our business to develop the capacities and energies of the people as we develop our own.[3]

As far as the actual government has gone, it seems not to have mattered so very materially which of the two policies had its exponents in power. On the whole the Liberals have stood for the more generous policy and the Conservatives for the more selfish. Actually their behavior has been very much alike. The Liberal Lord Ripon gave a tremendous impulse to self-government, particularly in rural tracts, but he, on the other hand, abolished the duty on cotton, as the natives believed in the interests of the Lancashire mills. It is true that with the exception of the Indian Councils Act of 1892 which inaugurated the right of interpellation and enlarged the legislative councils, extending to them the elective principal and increasing their right to discuss the budget, all the extensions of self-government have been by the Liberals, but the execution of the reforms have been carried out by the Conservatives with very much the same spirit. As a rule the good of England has in practice been sought by both in what they regarded as the good of India.

[1] *Parliamentary Debates*, 4th Ser., Vol. III (1892), col. 93.

[2] Major A. G. Leonard, "How to Reform India," *Westminster Review*, CLXXI (1909), 627–28.

[3] For other elaborations of the liberal attitude see the following: "The English in India," *Westminster Review*, LXIX (1858), 203; "Self-Government in India," *British Quarterly Review*, XXXVIII (1863), 432; *Journal of the National Indian Association*, 1872, p. 90; "Duties of England to India," *Fraser's Magazine*, LXIV (1861), 674–77; A. P. Sinnett, "Anglo-Indian Complications," *Fortnightly Review*, XL (1883), 409; A. Hobhouse, "Last Words on Mr. Ilbert's Bill," *Contemporary Review*, XLIV (1884), 400–401; C. H. T. Crosthwaite, "The New Spirit in India," *Blackwood's Magazine*, 1906, pp. 403–14.

There have, it is true, been occasional black spots on England's record which must not be forgotten in an impartial survey. Most of them seem to be attributable either to race feeling or weakness in certain individuals intrusted with enormous power. Let two instances suffice.

In January, 1872, there occurred an insignificant rising among a sect called the Kookas. No lives were lost, and in their attack on a fort the Kookas seem to have merely attempted to bind and not to kill. They were easily suppressed. Fifty prisoners were taken. Without any semblance of a trial the English official had them all blown from the cannon's mouth. He was dismissed from the service, but no other action was taken.[1]

The treatment of the natives by individual Englishmen has often been domineering and even brutal. Occasionally there have even been cases like the following one described by William Bonnar.

> Not so very long ago I heard a civil surgeon gaily tell at a mess dinner how the other day he had felt constrained to teach a native somewhat forcibly his respectful duty to the "Ruling Race." The "nigger," as he put it, had his whiskers and beard tied up, as all natives like to have them when travelling, when he met him on a country road. The doctor pulled him up and demanded to know why he had not undone his face cloth when he saw a *Sahib* coming. Then suddenly remembering that he had a pair of forceps in his pocket, he dismounted, and taking the poor man's head under his powerful arm extracted two of his teeth, saying, "Now tie up your mouth, my man. You have some excuse now."[2]

Such instances, however, are very much the exception. Over against them should be set the manner in which the settlement officers work among the people and the conduct of British officers in dealing with famine and in taking their lives in their hands to combat epidemics such as cholera and plague.[3] Instances also are numerous of life-long intimate friendships between Englishmen and natives and of the preference by the natives for English officials to those of their own race.[4]

[1] James Routledge, *English Rule and Native Opinion in India*, p. 100.

[2] William Bonnar, "The English in India," *Contemporary Review*, LXVIII (1895), 566.

[3] *Proceedings of the Royal Colonial Institute*, XXXVIII (1906–7), 150.

[4] In this connection see: J. Anderson, "Indian Self-Government," *East and West Magazine*, VI (1907), 337–47; John Morley, "Signs of the Times in India," *Edinburgh Review*, CCVI (1907), 297; Sir Bampfylde Fuller, "*Quo Vadis*," *Nineteenth Century Review*, LXV (1909), 714.

How successful England has been in Anglicizing India cannot be answered. On the material side England has performed marvels in the construction of a steadily growing network of hospitals, roads, transportation and irrigation canals, railways, and telegraph lines. She has given India a postal system. Englishmen and English capital have, for the most part, built and operated the cotton and other factories, created its tea, jute, indigo, and rubber plantations, and developed its mines and oil wells.

Economically speaking, however, the success and value of these measures is disputed by many of the educated natives, perhaps on account of sentimental bias. They contend that the expense involved constitutes a "drain" to England that has been variously estimated at from eighteen to hundreds of millions of pounds a year, in the form of salaries, pensions, various home charges, interest on investments, and similar items.[1] This it is claimed has more than offset the benefits derived from the development projects and even those from the *pax Britannica* and the English administrative system. This seems more than doubtful, but does derive some color from the fact that India as a whole is appallingly poverty- and frequently gruesomely famine-stricken.

On the moral side the English government has been able to do less. Suti and Thugi were suppressed, but Queen Victoria's proclamation in 1858 announced a policy of religious neutrality which has been strictly adhered to. In India the religious comes so near to being synonymous with social that it has been possible for the government to do but little.

The English government is only incidentally responsible for the tremendous transformation now in progress in native thought in India. It is but one phase of the mental revolution in the oriental mind throughout the East, and is to be primarily attributed to the same causes—the shrinkage of the world by improved means of communication and the readjustments necessitated by new machines, new processes, and new

[1] Among the estimates the following are a few examples. A Hindu, "The Grievances of India," *Dark Blue Magazine*, III (1872), 325: 10,000,000 pounds a year and the support of 80,000 Britons. H. M. Hyndman, "Bleeding to Death," *Nineteenth Century Review*, VIII (1880), 165: 20,000,000 pounds a year. J. S. Keay, "The Spoliation of India," *Nineteenth Century Review*, XIV (1883), 5, 16: 30,000,000 pounds a year in "direct tribute"; 70,000,000 pounds a year, total drain. E. Pratt, "India and Her Friends," *Westminster Review*, CXLVII (1897), 646: 30,000,000 pounds a year. A. Sawtell, *op. cit.*, p. 290: 200,000,000 pounds a year. Saint Nihal Singh, "Unrest in India," *Arena*, XXXVIII (1907), 604: 20,000,000 pounds annually. *Parliamentary Debates*, 4th Ser., Vol. III (1892), col. 106: 13,000,000 pounds annually for salaries alone.

thoughts. England at most has only modified it slightly in India. If anything she seems to have retarded it, as compared to the same movement in China and Japan.

What England has been able to accomplish on the social and moral side has been almost entirely through education. This problem of educating, even in the elements, the enormous population has been attacked by the government, the missionaries, and by the Hindus and Mohammedans themselves, but the progress made has been relatively insignificant. The surface only has been scratched. Some thousands of as keen minds as exist anywhere in the world have been given university educations, some millions have been taught to read and write some language, but the hundreds of millions can do neither.

As yet the time has been too short to judge as to the permanence[1] and depth of the English influence either on the material or moral side. It seems inconceivable that India should ever discard England's material contribution to the development of the country, but it will be no great marvel if the most enduring imprint left by England on Indian life will prove to be that made by the political mold, and the most significant work done by England in India will be found to have been the development of self-government in the country and the transplanting to India of English political institutions and ideals.

In England's effort to solve the problem of Anglicizing India, she has so far succeeded in maintaining her all-essential political supremacy largely through two conditions. The first and most important of these has been the infinite number of divisions and antagonisms—religious, racial, social, and political—which divide India and which enabled the East India Company to establish its dominion by conquering the country in sections and playing one native unit off against another.

It has, since the days of the Company, also precluded any unity on the part of the masses. Had England's rule been harsh, doubtless something of the nature of a united front might have been patched up, and of late among the upper classes there have been symptoms of an inchoate national sentiment which may ultimately permeate the lower strata and produce a united India. As yet, however, the antagonism of race to race, caste to caste, and religion to religion has been far greater than any aversion to British rule. Any tendency to unity has been further checked in all except the English-speaking classes by the barrier of language, which has prevented any real combination between groups.

[1]For some estimates of the reality and permanence of English achievements in India, see: M. E. Grant-Duff, *op. cit.*, pp. 866 *et seq.*; G. Wegener, *op. cit.*, pp. 960–77.

The second factor in England's supremacy has been her immense military and material superiority over any force in India. The English army in India has been maintained in the vicinity of seventy-five thousand men, not at first glance a large force to dominate three hundred millions, but ample as long as it is in possession of all the artillery and all the higher officers of the supplementary Sepoy forces, and when backed by a prestige that has never been allowed to be marred by an unretrieved defeat, and faced by a disarmed and hopelessly divided population.

What the attitude of the natives toward the English, their work, and their dominion has been, is exceedingly difficult to generalize upon. Very few English writers have contended that English rule was popular.[1] Most seem to have innately the feeling expressed by W. T. Thornton in the *Cornhill Magazine* in 1871, when he wrote:

> We have only to ask how we ourselves should like it if, the British Islands happening to become outlying appendages of the new Prussian Empire, no native-born Briton were suffered to hold a commission in the army or to rise above a second-class clerkship in the civil service, or above a county court judgeship in the law. Would any or all of the real and substantial advantages that might possibly accompany Prussian annexation—would completest reform of railway mismanagement or fullest security against garrotting or widest diffusion of intellectual and aesthetic culture—be accepted as compensation for such blockage of all careers which ordinary ambition most affects? Would not baffled longings turn rapidly into bitter animosity, engendered first among those ardent spirits by whom opinion is formed and directed and gradually accepted by the docile multitudes who think and feel in all public matters as popular leaders bid them?[2]

In 1882 Sir Richard Temple worked out the following classification which probably represents the general opinion of the time:[3]

The actively loyal classes were:

1. The princes and chiefs of the native states.
2. The banking, trading, and industrial classes.
3. The zamindars and landholders of permanently settled estates.

[1] For some English estimates of the attitude of the natives see: "Life in India," *Fraser's Magazine*, LXXX (1869), 346; M. Townsend, *op. cit.*, p. 798; Sir H. J. S. Cotton, "Some Indian Problems," *East and West Magazine*, I, No. 2 (1902), 1198–1205; "Proceedings of the East Indian Association," *Imperial and Asiatic Quarterly Review*, 3d. Ser., XXI (1906), 355; Sir Bampfylde Fuller, "Indian Aspirations," *Proceedings of the Royal Colonial Institute*, XL (1909), 366. P. Kennedy, "Bitter India," *Forum*, XLIII (1910), 107 *et seq.*; "S," "Indian Anarchism," *East and West Magazine*, XII (1913), 761–67.

[2] W. T. Thornton, "National Education in India," *Cornhill Magazine*, XXIII (1871), 294.

[3] Sir Richard Temple, *Men and Events of My Time in India*, (1882), p. 504.

The passively loyal classes were:

1. The peasant proprietors and cultivators.
2. The laborers.

The mixed classes, of which many were loyal but some the reverse, were:

1. The educated classes.
2. The native aristocracy in the British territories.
3. The Hindu and Mohammedan priesthood.

The classes which were excitable or ready for mischief were:

1. The fanatics.
2. The hangers-on of the courts and camps.
3. The mob.

Of these classes he believed that the passively loyal, which included two-thirds of the population, would support the government but would not fight for it.

Whatever the accuracy of Sir Richard Temple's analysis may have been, it serves in a rough way to indicate the general alignment of the classes and shows how difficult any generalization is for all divisions and epochs. The immense mass of the population, as far as those who are in a position to know testify, are in the words of Sir A. C. Lyall "eminently conservative, otherwise good natured and quite willing to fall in with the whims of their incomprehensible rulers . . . . [they] are the most easily governed [people] in the world if you don't touch their worship, and don't tax them grievously."[1]

Certainly beyond rioting at times when their religion is molested, they toil and even starve without a murmur, much less a rising against the government which in such times labors to provide relief. Of late years only, has there been manifested a tendency toward outbursts of a political nature, and these have been confined almost without exception to the populace of the large cities.

Among the upper classes there have been, it would seem, three prevailing types of attitude. The first is represented by an article in the *Jam e Jamshed*, a Gujarati daily of Bombay, of October 31, 1887. It read:

> There is no doubt that the natives of India are loyal to the backbone, and they would not shrink to die, if needs be for the British, but if the ruling race were to sympathize more closely with the native public, every native from end to end of India would think it would be his sacred duty to fight for the supremacy of the British rule in India.[2]

[1] Sir Mortimer Durand, *Life of Sir A. C. Lyall*, p. 227.

[2] *Voice of India*, V (1887), 585.

The second is a more lukewarm feeling, which, while not amounting to out and out aversion, is discontented. The following specimen is from the *Amrita Bazar Patrika*, a Hindu weekly published in English, at Calcutta. The date is November 6, 1884.

> The rough insulting and often brutal conduct of many of the ruling race notoriously tends to alienate the minds of the Indians. But yet that only adds salt to the wound—the wound itself being due to some other cause. The real and substantial reason why the Indians do not feel friendly towards the English is the unequal political status of the two. And so long as natives are not allowed to share in the administration of the country on equal and important terms with the English, so long lukewarmness and jealousy would be the result.[1]

The third type of opinion is represented by the aphorism, "It would be better for the people of India to be governed by their own corrupt countrymen than by the however angelic European 'leeches.'"[2]

In this connection there is an important distinction to be noted between liking for, or devotion to, English rule as such and preference for it over against the domination by the czar or other representative of European imperialism.[3] The following selections from the native press of the 1880's are in point.

On February 2, 1885, the *Indian Nation*, a Calcutta weekly, said:

> A successful invasion of the country by the Russians would mean to the English the loss of a certain amount of revenue and a certain number of appointments. To the Indians it would mean either the loss of life or the loss of everything which makes life worth living. . . . . The English may afford to lose India. We cannot afford to exchange English government for Russian.[4]

The *Indian Mirror*, a Calcutta daily, on March 10, 1885, wrote:

> When the genius of the oriental races frets and chafes under the silken chains of British rule, the mildest despotism on the face of the earth, imagine what would be their fate under the iron fetters and terrible knout with which Russia tames her refractory subjects.[5]

The *Swadeshi Mitram*, a Tamul weekly of Madras, on January 19, 1885, said: "There is nothing more despotic in Europe than the government of Russia. We should all unite in our prayer to protect us from the scourge of Russia."[6]

[1] *Voice of India*, II (1884), 699.
[2] S. N. Singh, *op. cit.*, p. 606.
[3] John D. Rees, *The Real India*, p. 189.
[4] *Voice of India*, III (1885), 60.
[5] *Ibid.*, p. 107.
[6] *Ibid.*, p. 65.

In general the Mohammedans have been better reconciled than the Hindus to English rule. This difference has been generally ascribed to the backwardness of the Mohammedans and the relative fewness of the educated individuals among them, a condition which led them to follow the guidance of Sir Ahmed Khan and feel that their best interests were to make common cause with the English, as an offset to the competition of the Hindus. On the whole this view is probably true, for with the spread of education in recent years among the Mohammedans the distinction seems to be passing.

Another significant aspect of the attitude of the natives, is the personal feeling for the reigning monarch. It has been one of the most important functions of His Majesty to issue from his seclusion to dazzle his Indian subjects into enthusiastic loyalty. The proclamation of the royal title at a great durbar in 1877 on the eve of the Afghan War, when India was restless and almost aquiver, and the visit of the King and Queen to India, in 1911, to assume their titles at the grand durbar at Delhi are but two instances of the King being used effectively as a trump card to play upon the peculiar oriental mental weakness for the personal element in government.

CHAPTER II

THE TRANSFER OF THE GOVERNMENT OF INDIA TO THE CROWN

- The mutiny of 1858
- The transfer of the government of India to the Crown
  - Reasons
    - Pro, Mr. Bright
    - Contra, Colonel Sykes
  - India Bill No. I
  - India Bill No. II
  - India Bill No. III
- The government established by the act of 1858
  - In England
    - The English electorate, the ultimate source of power
    - Parliament
    - The Cabinet
    - The new secretary of state for India
      - His powers
    - The Council of India
  - In India
    - The governor-general
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    - His Executive Council
  - Administration
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  - Provincial administration
    - Types of provinces
      - The presidencies
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      - Regulation
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  - Subprovincial administration
    - The district officer
      - His functions
        - Executive
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  - Subdivisions of the district
    - Municipalities
    - Villages
  - Legislation
- The Queen's Proclamation of 1858

In 1857 came the mutiny. Its dramatic horrors aroused the English public and before the flames of the revolt were more than fairly under control, and while the Rani of Jansi was still in the field and Tantia Topi was eluding his English pursuers, Lord Palmerston on February 12, 1858, introduced a bill for transferring the government of India from the East India Company to the Crown.

There had for several years before been a growing feeling in England that the anomaly of governing a vast empire like India by a trading company, even under a cursory supervision by Parliament, ought to be ended. Even in 1853 the sentiment had become so strong that when the charter was renewed it was only until Parliament should order otherwise, and not for a period of twenty years as had been the previous practice since 1793. The trade monopoly of the East India Company in India had already been abolished in 1813.

The decisive reason for action in 1858 can be found in the conviction that all was not right in the government of India, engendered by the mutiny, and that it was high time something be done. John Bright in his speech of June 24, 1858, made the most powerful presentation of the reasons why men felt that "the government of India had not been a good government; that grave errors—if not grievous crimes—had been committed in that country."[1]

His charges against the Company were fourfold. He asserted that (1) "the industry of the people of India had been grievously neglected"; (2) "that there was great reason for complaint with respect to the administration of justice"; (3) "that with regard to the wars entered into by the Indian government there was much of which the people of England had reason to be ashamed"; (4) "that there was also a general impression that the expenditure of the East Indian government was excessive; and that it had been proved before more than one committee that the taxes imposed upon the people of India were onerous to the last degree."[2]

Of these facts only the mutiny, he contended, was needed to afford convincing proof, and a change was necessary. His specific complaints against the Company on behalf of India present a strong indictment of its conduct of affairs. He charged that—

> throughout almost all the presidencies, and throughout those presidencies most of which had been longest under British rule, the cultivators of the soil, the great body of the population of India, are in a condition of great impoverishment, of great dejection, and of great suffering. . . . . The taxes of India

[1] *Parliamentary Debates*, N.S., Vol. CLI (1858), col. 331. [2] *Ibid.*, col. 332.

are more onerous and oppressive than the taxes of any other country in the world. . . . . Industry is neglected to a greater extent probably than is the case in any other country in the world which has been for any length of time under what is termed a civilized and Christian government. . . . .[1]

He asserted that India was too vast a country to be under a trading company and concluded with a forceful peroration on England's obligation to India saying:

You may govern India if you like for the good of England, but the good of England must come through the channel of the good of India. . . . . The people of India do not like us but they scarcely know where to turn if we leave them. They are sheep literally without a shepherd. They are people whom you have subdued and who have the highest and strongest claims upon you, claims which you cannot forget, claims which if you do not act upon, you may rely upon it that if there be a judgment for nations—as I believe there is—as for individuals, our children at no distant generation must pay the penalty which we have purchased by neglecting our duty to the population of India.[2]

The defenders of the East India Company were hard put to it for a defence. John Stuart Mill wrote a paper in behalf of the Company.[3] A petition was drawn up and duly presented. Its contents were largely a denial of the charges of misgovernment and responsibility for the mutiny. It lacked any positive argument for continuing the existing system of government by the Company.

In Parliament Colonel Sykes did his best. His contentions were that England should continue the Company's government out of gratitude to it for adding such an empire to England. For the rest, like the petition, his arguments were largely negative, seeking to clear the Company rather than establish a really strong case for its superior merits as a governing power.

The Company's government, he asserted, was of the best.[4] He contended that the taking over of the government would violate the popular wishes as expressed by the petition. If Parliament were to control, the natives would be obliged to appeal to it for redress of grievances, and would never be able to obtain it owing to the pressure of public business. The Company was in no way responsible for the mutiny. It had failed in no point in efficient execution of its duties. The Court of Directors had always discouraged wars and maintained the rights of the people of India.

[1] *Parliamentary Debates*, N. S., Vol. CLI (1858), col. 335. [2] *Ibid.*, cols. 346, 352.

[3] Sir Courtney Ilbert, *The Government of India* (1915), p. 94.

[4] *Parliamentary Debates*, 3d. Ser., Vol. CLI (1858), cols. 2172–74.

The mainspring of the opposition to the transfer of India to the control of the Crown was really the loss of the patronage it involved, but the interests affected were not sufficiently strong to block the movement.[1] Parliament proceeded to the task of accomplishing the transfer.

The most important provisions of Palmerston's bill were a home administration to consist of a "President and a council for the affairs of India."[2] It was to comprise eight members nominated by the Crown, and qualified by having been directors of the East India Company, or by service or residence in India. Their term was to be eight years, two retiring every two years. The bill passed its second reading by a vote of 318 to 173 on February 18, 1858. On February 19, Palmerston was turned out on the "Conspiracy to Murder Bill." So ended India Bill No. I.

Disraeli now came onto the scene as chancellor of the exchequer in Lord Derby's ministry, and as he told Parliament, because "Sir, the vote of the eighteenth of February by which the House of Commons recently elected declared by an overwhelming majority that in their opinion the government of India should be transferred from the East India Company to Her Majesty,"[3] appeared conclusive; he proceeded on March 26, 1858, to introduce a new government of India bill, which received the designation of India Bill No. II.

Its provisions were as florid as Palmerston's had been simple.[4] A minister of the Crown with the rank and duties of a secretary of state was to be president of a council of India which was to comprise eighteen members. One-half of these were to be nominated by the Crown. The other nine were to be elected, five by the citizens of London, Manchester, Liverpool, Glasgow, and Belfast, and four by holders of one thousand pounds of East India Company stock, or two thousand pounds of stock in Indian railways or other Indian public works, and those who had been in the service, civil or military, of the government of India for ten years, either in India or in England.

The ridicule of the opposition held the measure in abeyance until the Easter recess. When Parliament reassembled, the insecure ministry tacitly dropped the bill and availed itself of Lord John Russel's suggestion that owing to the objections raised to Disraeli's measure, the House should proceed by resolutions.

[1] C. Redding, "East Indian Affairs," *Colburn's New Monthly Magazine*, CXII (1858), 251.

[2] Sir C. Ilbert, *loc. cit.*

[3] *Parliamentary Debates*, 3d Ser. (1858), Vol. CXLIX, col. 818. [4] *Ibid.*

Fourteen resolutions were accordingly laid before Parliament.[1] On April 30, 1858, the discussion of the first was begun, which read "that it is expedient to transfer the government of India to the Crown."[2] This was carried. In its wake, however, came the thirteen others. On May 3, the second, providing for a secretary of state for India, was passed. Finally, however, as the discussion "seemed likely to drag out a septennial Parliament to the close of its natural existence," the patience of the House of Commons became exhausted and leave was given to bring in a new measure, India Bill No. III.

The new law was introduced by Lord Ellenborough on June 17, 1858, the day on which the sixth resolution was finally agreed to. It passed its first reading without a division, but before its second reading Lord Ellenborough had resigned in consequence of his dispatch censuring Lord Canning's Oudh Proclamation. Lord Stanley succeeded him as president of the Board of Control, and took over the direction of the bill. The second reading was carried on June 25, and on July 8 the bill with sundry minor amendments was passed. It was carried through Lords with which an agreement was finally reached on July 30, and received the royal assent on August 2, 1858. Its substance was promulgated by Lord Canning at a great durbar held at Allahabad on November 1, 1858.

The form of government finally prescribed after all these vicissitudes of party squabble was very closely patterned after that of the old Company. The stockholders were deposed, but Parliament fell heir to such functions as they had performed. The Court of Directors was allowed to sing its swan song by naming seven of the fifteen members of the new Council of India, which took the place of the old Board of Control, under the presidency of a secretary of state for India. The rest of the system remained much the same, save in the matter of names, and in many cases especially in India even these were unchanged.

It is worth while, however, to take a hasty survey of the situation created by the law of 1858, for it is important to secure as clear and as vivid a conception as possible of the main outlines of the government thus established for India, since it is fundamental to a comprehension of the later developments.[3]

[1] These fourteen resolutions as laid before Parliament are printed in *Parliamentary Debates*, 3d Ser., Vol. CXLIX (1858), cols. 2207–10.

[2] *British Quarterly Review*, XXVIII, 199.

[3] The following summary pretends to be no more than an attempt to furnish as concise a basis as possible for a study of the subsequent movements. It would be futile and unnecessary to attempt to do over again the detailed work which Sir Courtney Ilbert, in his *Government of India*, has done so well.

In theory the government established over India in 1858 traced its ultimate authority to the British electorate, which expressed such platitudinous opinions as it had through the medium of its Parliament, which as a general rule preferred anything else to yawning through the annual presentation of the Indian budget.

Actually the ultimate authority over the government of India devolved upon the secretary of state in council, under the general oversight of the Cabinet, supplemented by a few, as a rule a very few, of the members of Parliament who for one reason or another took an interest in India. Parliament did, however, retain some very powerful checks, which in case of need it could resort to. Any orders directing the commencing of hostilities in India must be reported to Parliament within three months or if it were not in session within one month after its return.

No addition to the establishment of secretary of state in council, nor to the salaries of the persons of that establishment, could be made except by order of His Majesty in Council. Even these orders were to be laid before both houses of Parliament within fourteen days, or if not in session within fourteen days after its next meeting. No expense for military operations beyond external frontiers except for preventing or repelling actual invasions of His Majesty's Indian possessions or under other sudden and urgent necessity were to be charged on Indian revenues without the consent of Parliament.

Within the first fourteen days after May 1, in which Parliament was sitting, the secretary of state in council must lay before it an itemized account of the financial year preceding, estimates for the year to come, debts and resources of the government of India, and a list of the establishment of the secretary of state in council.

Moreover,[1] although in actual practice Parliament was sometimes a sleepy guardian of Indian interests, the feeling that it might call him to account at any time, certainly led the secretary of state and his council to exercise with some straitness, both the specific powers of control with which they were particularly invested and also the general power of superintendence which the Government of India Act gave them.

Turning to the actual provisions of the act, it created a fifth secretary of state, known as the secretary of state for India. He and his under-secretaries were to be paid from the revenues of India. He was to sign all orders and communications to the government of India. He was to be the head of the part of the Indian administration located in England and the supervisor of that in India.

[1] "Constitutional Reforms," *Parliamentary Papers*, p. 33. East India, 1918.

As a member of the Cabinet he was responsible to and represented the supreme power of Parliament. He was to perform all acts formerly performed by the East India Company Court of Directors, or Court of Proprietors, either with or without the sanction of the Board of Control, in relation to the government or to the revenues and the officers and servants of the Company. He was also to wield the powers formerly exercised by the Board of Control. He had to countersign all warrants or writings under His Majesty's Royal Sign Manual, previously countersigned by the president of the Commission for the Affairs of India, for the removal or dismissal of persons holding office, employment, or commission, civil or military.

Except for new additions or increase in salaries, the secretary of state had the power to appoint, promote, or remove any officer in his establishment, usually known as the India Office. Without consulting the Court of India, the secretary of state might send directly all communications formerly issued or received by the Committee of Secrecy of the East India Company (dating from 1784) except those requiring a majority vote of his Council.[1] In practice these delicate transactions were usually referred to the Political and Secret Committee of the Council of India.

The secretary of state was made the president of the Council of India with the power to vote. He received all dispatches from the governor-general. He could appoint a member as vice-president in his absence, and could remove such appointee. He directed the holding of meetings of the Council. His approval was required for all acts done in his absence. He constituted committees of the Council for the more convenient transaction of business.[2] He directed what departments of the India Office were to be under each of these committees and arranged the manner of the transaction of business by them.

This Council of India was the counterpart of the old Board of Control. Its primary function was to advise the secretary of state. It was composed of fifteen members, eight of whom were to be nominated by the

[1] A majority vote in the Council of India was required on questions of: (1) approximating revenues or property; (2) issuing securities for money; (3) sale or mortgage of property; (4) contracts; (5) alteration of salaries; (6) furlough rules; (7) Indian appointments; (8) appointment of natives of India to offices reserved for the Indian Civil Service; (9) provisional appointments to posts on the governor-general's Council and to reserved offices.

[2] These committees of the Council of India were: (1) finance; (2) political and secret; (3) military; (4) revenue and statistics; (5) public works; (6) stores; (7) judicial and public.

Crown, and seven by the members themselves.[1] A majority of nine in the Council were to be persons who had served or resided at least ten years in India, and unless they had been officers in the home establishment they must not have left India more than ten years prior to their appointment. They were to hold office during good behavior and were removable only by a joint address of Parliament. The members were disqualified from sitting in Parliament. Their salary was to be 1,200 pounds, and to be paid from the revenues of India. After ten years' service on the Council, or sooner if overtaken by infirmity, they could retire on a pension of 500 pounds.

Upon "the secretary of state in council," as the law expressed the combination of the secretary of state for India, and his advisory body, "the Council of India," devolved nearly all of the actual oversight of governing India. Under the direction of the secretary of state, the Council of India was to transact the business of the government of India in England and conduct correspondence. Parts of the revenues of India were to be paid into the Bank of England to the account of the secretary of state to be applied by the Council for the purposes of the act. The secretary of state might sue or be sued in India or England as a body corporate. All orders proposed by the secretary of state had to be submitted to a meeting of the Council or deposited in the council-room for seven days before a meeting of the Council unless they were secret orders. On certain things already mentioned a majority vote was required.

The Council of India[2] was intended, however, to be no more than a consultative body, without power of initiative and only a limited power of veto. Each of the committees, into which it was divided by the secretary of state, corresponded to and worked in conjunction with one of the secretaries and departments of the permanent staff of the India Office.

In India itself few changes were made. Parliament and the Council of India were substituted for the Court of Directors and the Board of Control, and things went on very much as before. In India thereafter, however, all the powers of government were derived in theory from the English Parliament. Their focal point was the governor-general (commonly called the viceroy after the Queen's Proclamation of November 1, 1858). He had formerly been appointed by the Court of Directors with

[1] In the first Council of India the old Court of Directors were given the privilege of nominating seven of the members but thereafter these seven were to be chosen by the Council of India itself.

[2] Sir C. Ilbert, *op. cit.* (1915), p. 137.

the approval of the Crown. Henceforth he was to be appointed by the Crown on the advice of the prime minister. Custom fixed his term at five years. He was the head of the government and had general oversight over its operations.

The governor-general was under several restraints. He must report constantly and diligently to the secretary of state in council an exact particular of all advices or intelligence and of all transactions and matters coming to the knowledge of the governor-general in council and relating to the government, commerce, revenues, or affairs of India. Every measure taken by him had to also receive the approval of a majority of his Executive Council, although in cases of emergency he might override it.

The function of this Executive Council was to assist the governor-general and to check any tendency to despotism on his part. It consisted of four members whose advice it was necessary for him to seek, even on the minutia of routine business. It was the theory that the public business was transacted by the governor-general and his whole Council.[1] Consequently, every case had to pass through the hands of every member. Disputed questions were decided by a majority vote, the governor-general having a casting vote. The result was that much of the work was done many times over and more not done at all. That the system had worked at all was due to the comparative smallness of the business in the early days.

The actual work of the administration was divided up into departments. At the head of each was a secretary, under the oversight of the governor-general in council. The departments were[2] (1) the military, (2) foreign affairs, (3) the legislative, (4) finance, (5) home, (6) revenue.[3]

Below the imperial governments were the governments of the provinces. In 1858 there were three types of these, the presidencies, the lieutenant-governorships, and the chief-commissionerships. In the first category were Fort St. George (Madras) and Bombay. They had governors who enjoyed the privilege of communicating directly with the secretary of state. Previously they had been appointed by the Court of Directors with the approval of the Crown. Henceforth they were to be

[1] Sir Henry S. Cunningham, *Lord Canning*, pp. 192–93.

[2] Sir W. W. Hunter, *Lord Mayo*, p. 83.

[3] In later years there were added the following departments: agriculture, public works (1868), commerce and industry, education. There were also later special departments outside but attached to one of the main departments. Among these were posts and telegraphs, surveys, railways, forestry.

appointed by the Crown. The governors were usually English statesmen and held office for five years. They were assisted by executive councils of two members, who were also appointed by the Crown in the same fashion as the governor. As qualification the members must have been, at the time of their appointment, at least twelve years in the service of the Crown in India. In cases of emergency the governors might override their councils. In spite of the privilege of communicating directly with the secretary of state in case of need, the presidencies were under the supervision and direction of the governor-general.

Second were the provinces under lieutenant governors, authorized[1] by act of Parliament in 1835 and the Charter of 1853.[1] Henceforth the lieutenant governors were to be appointed by the governor-general, subject to the approbation of the Crown. The lieutenant governors must have served at least ten years in India. The extent of their authority was declared and limited by the secretary of state in council. In 1858 the lieutenant-governorships were Bengal, originally a presidency, and the Northwestern Provinces.

The third type of province was that of the chief-commissionership.[2] In theory the chief commissioners were merely administrators for the governor-general of the executive government of a tract of territory. They were appointed by the governor-general without restriction. They had powers in practice as wide as those of the lieutenant governors; they had no executive councils.

There was a still further classification of the provinces, namely into regulation and non-regulation provinces. The regulation provinces were those in which the regulations enacted by the executive authority in Fort William (Bengal), Fort St. George (Madras), and Bombay were applied in full force. The non-regulation provinces were those in which only such parts of these regulations as were deemed suitable by the governor-general in council applied. The non-regulation provinces in 1858 were the Punjab, Lower Burma, Oudh, the Central Provinces, and Assam.

In all the provincial administrations were departments, each with its secretary, corresponding to those of the imperial government for which they served as channels for information and orders.[3] The provinces except Madras were subdivided into divisions, each under an official. These were in turn made up of five or six districts. At the head of each district was a district officer.

[1] Sir W. W. Hunter, *Gazetteer of India*, IV, 32. [2] *Ibid.*, pp. 33, 34, 47.

[3] Sir Bampfylde Fuller, *Studies of Indian Life and Sentiment*, p. 242.

These district officers were the pivots on which the whole administration turned. The districts varied greatly in size and population. The title of the officer also varied. In the regulation provinces he was called the collector and magistrate. In the chief-commissionerships he was known as the deputy commissioner. The district officer embodied the power of the English government, as far as the people were concerned, and it was to him they looked for redress and aid. He was at once the principal revenue officer and chief magistrate. This dual capacity was a relic apparently of the old native practice adopted by Cornwallis in Bengal, and later applied to the other provinces as they came under British rule.

The primary function of the district officer was the supervision of the land and land revenues. In this connection the ardor of his labors varied according as to whether the system of land tenure with which he had to deal was ryotwari, under which the revenue was paid by many thousands of cultivators, or zamindari, under which the revenue was paid by a comparatively few big landowners who sublet their holdings. The district officer also had charge of the other taxes and sources of revenue. He was expected to keep an oversight over the general well-being of the people and perform the functions of general factotum of the government, superintending in a general way public works, jails, sanitation, and other governmental activities. He was expected to make numerous and frequent reports to his superiors on all manner of subjects. It was upon his shoulders that much of the burden of subsequent enlargement of the functions of the government fell, both in connection with the enlargement of old activities and the addition of new ones, such as forestry and education.

On the magisterial side the district officer was responsible for the peace of the districts intrusted to him and the suppression of crime. He had a general control over the working of the police, although the nominal direction of this service was a distinct branch of the government. As a criminal judge the district officer had the power of imprisoning for a term up to two years, and of imposing fines up to 1,000 rupees. He also supervised the work of all the other magistrates of his district. In the non-regulation provinces his criminal jurisdiction was more extensive, reaching to all cases not punishable with death. He could inflict sentences of transportation or imprisonment up to seven years. Otherwise the functions of the district officers were approximately the same in all the provinces.

In addition to the district officer there were other district officials, more or less under his supervision. Chief among these were the superintendent of police, the civil surgeon, and later the forest officer.

Below the district were the subdivisions, under junior officers. Still farther down was the village,[1] the primeval institution of India but little altered by the vicissitudes of Mughal, Mahratta, or English rule. Each village had a number of hereditary native officials. The most important was the headman, usually referred to as the *patel*, who collected the revenue and in Madras was a petty magistrate and civil judge; the *patwin*, or accountant, in charge of the village accounts, registers of holdings, and records connected with the land revenue; and the *chaukidar*, or watchman, the rural policeman.

Of relatively far less importance in 1858 than the villages, but from the point of view of later developments in self-government of rather more significance, were the municipalities. These fell into two sharply distinguished categories. The first comprised the three great presidency cities, Bombay, Calcutta, and Madras. The second included all the smaller cities and towns. Cities and towns existed in India from remote antiquity, but the form of government under which those of British India have come to be administered is an exotic importation direct from England. It is one of the great examples in history of a foreign social institution successfully transplanted into a strange soil. The English municipal system was first introduced into the presidency cities and thence comparatively recently was extended to the lesser towns of the provinces.

In 1687[2] James II conferred a signal favor on the East India Company by delegating to them the power of establishing by charter a corporation and a Mayor's Court in Madras. The scheme was due to Sir Josia Child, the celebrated governor of the Company, who regarded it as the only solution of the difficult question of town conservancy. The new civil government was constituted on the most approved English pattern with a mayor, aldermen, and burgesses, who were empowered to levy taxes for the building of a guildhall, a jail, and a schoolhouse; for "such further ornaments and edifices as shall be thought convenient for the honor, interest, ornament, security and defense," of the corporation and inhabitants; and for the payment of the salaries of the municipal officer, including a schoolmaster.

The mayor and alderman were made a Court of Record with power to try both civil and criminal cases. Nor were the ornamental features

[1] Sir W. W. Hunter, *op. cit.*, p. 53. [2] *Ibid.*, pp. 284–85.

of municipal life forgotten. On solemn occasions the mayor was to have carried before him two "silver maces gilt, not exceeding three feet and a half in length; and the Mayor and Aldermen robed in scarlet serge gowns, were to ride on horse-back in the same order as is used by the Lord Mayor and Aldermen of London, having their horses decently furnished with saddles, bridles, and other trimmings."

Notwithstanding this pomp and circumstance the people strenuously resisted the imposition of anything in the nature of a direct tax. The town hall, schools, and sewers which were to have been the first work of the new corporation could not be undertaken, and the mayor had to ask for permission to levy an *octroi* duty on certain articles of consumption that he might provide the necessary funds for cleansing the streets.

In 1726 a mayor's court with aldermen but no burgesses was established by royal charter in each of the three presidency towns, mainly according to the practice already existing in Madras; but these courts were intended to exercise judicial rather than administrative functions. The first statutory enforcement of municipal administration was contained in the Charter Act of 1793. This act empowered the governor-general to appoint justices of the peace for the presidency towns from among the Company's and other British inhabitants. In addition to their judicial duties, the justices of the peace were expressly authorized to provide for scavenging, watching and repairing the streets, the expenditure on which was to be defrayed by an assessment on houses and lands. Between 1840 and 1853 the municipal constitutions were widened and the elective principle was introduced to a very limited extent; but in 1856 a different policy prevailed and all municipal functions were concentrated in a body corporate consisting of three nominated and salaried members.

Outside the presidency towns, Madras, Calcutta, and Bombay, there was practically no attempt at municipal legislation before 1842.[1] In that year an act was passed applicable only to Bengal, to enable the inhabitants of any place of public resort or residence to make better provision for purposes connected with public health and convenience. This act was far in advance of its times. Based upon the voluntary principle, it could take effect in no place except on the application of two-thirds of the householders, and as the taxation enforceable under it was of a direct character, the law nowhere met with popular acceptance. It was introduced into one town and there the inhabitants, when called

[1] Sir W. W. Hunter, *op. cit.*, p. 286.

upon to pay the tax, not only refused but prosecuted the collector for trespass when he attempted to levy it. The next attempt at municipal legislation for country towns was made in 1850 and is reserved for later treatment.

On a par in importance with the municipalities, for the purposes of this study, was the legislative function of the government of India.[1] The act of 1858 made no provision regarding it, and the practices of the "John Company" passed over into the government of the Crown.

In 1858[2] legislative activity was confined to the council of the governor-general of India, specially enlarged on such occasions to twelve members of whom, however, seldom more than seven could be mustered to the meetings. Four of the twelve were nominated by the governors of the four provinces, Bengal, Bombay, Madras, and the Northwestern Provinces. Two were judges, namely the chief justice and one of the puisne judges of the Supreme Court of Calcutta. This body was in no degree intended to be an echo, however faint, of the English Parliament. Its function was created merely to enact into law the regulations brought before it. The method of its selection was anything but conducive to giving it a representative character, but none the less it had developed a disturbing propensity for turning itself into what certain of the Lords in Parliament were pleased to call a "petty parody of a Parliament."[3]

[1] *Ibid.*, p. 129. The origin of the legislative function in the activities of the English in India, was as old virtually as the Company. The earliest charters authorized the making of such new laws as were needful and not repugnant to the laws of England. On the assumption of the diwani by the Company in 1772, a series of instructions were promulgated as the basis of administration, but these were issued under the authority of the Mughal emperor at Delhi, not of Parliament.

In 1773 the Regulating Act empowered the governor-general in council to make—subject to registration with the Supreme Court and its approval—rules and regulations for the government of the settlement of Fort William (Bengal) and its subordinate factories. An act of 1781 authorized the framing of rules without reference to the Supreme Court, but subject to the approval of the King in council. In 1783 a fresh set of regulations for legislation were drawn up by Lord Cornwallis and collected into a code. Acts of 1800 for Madras, and 1807 for Bombay, and 1803 for the Northwestern Provinces extended to the governor in council of each of those provinces similar powers.

The act of 1833 withdrew them, however, and vested the whole legislative authority in the governor-general in council, strengthened by the addition of a lawyer who was not to belong to the service of the Company and whose duties were confined to legislation. It was authorized to legislate for all persons, places, and courts within the territories of the Company, and, subject to the disallowment of the Court of Directors, its acts were to have the weight of acts of Parliament. This embryo legislature was enlarged by the act of 1853 to the form it possessed in 1858.

[2] *Parliamentary Debates*, 3d Ser., Vol. CLXI (1861), col. 1687.

[3] *Ibid.*, CLXII (1861), col. 1153.

One other event of the year of 1858, although not strictly a piece of legislation, proved the center of so much discussion and agitation in later years that it must be mentioned. This was the Queen's Proclamation[1] which was published in India at a grand durbar at Allahabad on November 1, announcing the transfer of the government to the Crown.

Only one clause has been of real significance for the development of self-government. It was:

> And it is Our further will that so far as may be, Our subjects of whatever Race or Creed, be freely and impartially admitted to Offices in Our Service, the duties of which they may be qualified by their education, ability and integrity duly to discharge.[2]

Differences of opinion as to the interpretation and application of this policy have been at the bottom of much of the discontent felt by many of the educated class and thus have been one of the factors in creating a demand among them for self-government.

The pretensions of the Proclamation to the appellation of the Magna Charta of India so frequently applied to it rests on its clauses promising amnesty to all except those who had directly taken part in the murder of British subjects, religious tolerance for all, and equal opportunity in the service of the government for natives and whites so far as their respective abilities warranted.

[1] The Proclamation was the formal announcement of the assumption of the government of India by the Queen. Incidentally it strove to conciliate the natives of Oudh, who had been thrown into a panic by an ill-phrased proclamation of Lord Canning which ordered the forfeiture of all the lands of all persons guilty of rebellion or waging war against the Queen or the government, or aiding therein. This would have meant the confiscation of most of the lands of Oudh, and something was necessary to reassure the landlords and allay the unrest subsequent to the mutiny as far as possible.

[2] *Voice of India*, II (1884), 672.

CHAPTER III

THE INDIAN COUNCILS ACT OF 1861

Reasons for the act of 1861
- Differences between Madras and the imperial government of India over the income tax
- Question as to the validity of the regulations in the non-regulation provinces
- The precocity of the Legislative Council

The provisions of the act
- The Executive Council of the governor-general
  - The reorganization effected by Lord Canning
- Limitations on the Imperial Legislative Council
  - Definition of its powers
- Recreation of the legislative councils for Madras and Bombay
  - Reasons
- Admission of natives to the legislative councils
  - Reasons
    - Gulf created by the mutiny
    - Need felt for means of ascertaining native opinion
  - Native opinion of the innovation
  - The working of the provision
- Recapitulation of the features of the act of 1861
- Character and general working of the councils
- Significance of the Indian Councils Act of 1861

The passage of the act of 1858 and the assumption of the government of India by the Crown speedily, however, revealed defects in the system.[1] The unworkableness of the Executive Council would of itself have necessitated some speedy reform. Trouble began over a varied series of questions.[2] In Madras a dispute arose between the imperial government and Sir Charles Trevelyan, governor of that presidency, as to whether Mr. Wilson's distasteful income tax should be enforced in that province. Bombay too joined its voice to the protests of Madras. There was also difficulty over the law requiring a license even from Europeans to carry arms. To further complicate matters the indigo planters raised a controversy over their relations

[1] "Constitutional Reforms," *Parliamentary Papers*, p. 52, East India, 1918.

[2] Sir Henry S. Cunningham, *Earl Canning*, pp. 182–83.

with the ryots who cultivated the plantations for them. A legal wrangle about the validity of the regulations then being enforced by mere executive authority in the non-regulation provinces added another problem to those confronting Lord Canning.[1]

The climax was reached when the Legislative Council of the governor-general, the precocity of which had been a growing vexation and handicap, became presumptuous enough to demand that certain correspondence between the secretary of state and the governor-general of India should be communicated to it. Some action became imperative. The explanation of Sir Charles Wood, the secretary of state, for the measure, while lacking in completeness, is indicative of the general situation.

He began by explaining the question of the legality of the regulations, saying:

> The history of legislative power in India is very short. In 1773 the governor-general in council was empowered to make regulations for the government of India, and in 1793 those regulations were collected into a code by Lord Cornwallis. Similar regulations were applied in 1799 and 1801 to Madras and Bombay, and in 1803 they were extended to the Northwestern Provinces. The territory of Delhi, however, which was nominally under the sovereignty of the Great Mogul, was administered by officers of the government of India, and with such good effect that in 1815, when Lord Hastings acquired certain provinces, he determined that they should be administered in the same way by commissioners appointed by the government. The same system has been applied to the Punjab, Scinde, Pegu, and the various acquisitions made in India since that date. The laws and regulations under which they are administered are framed either by the governor-general in council or by the lieutenant governors or commissioners, as the case may be, and approved by the governor-general. This difficult mode of passing ordinances for the two classes of provinces constitutes the distinction between the regulation and non-regulation provinces, the former being those subject to the old regulations, and the latter those which are administered in the somewhat irregular manner, which as I once stated commenced in 1815. There is much difference of opinion as to the legality of the regulations adopted under the latter system, and Sir Barnes Peacock has declared that they are illegal unless passed by the legislative councils.[2]

He next took up the difficulty consequent upon the supremacy of the Legislative Council of the governor-general at Calcutta. In regard to this he said, by the act of 1833:

[1] "Constitutional Reforms," *loc. cit.*

[2] *Parliamentary Debates*, 3d Ser., Vol. CLXIII (May–June, 1861), col. 637.

The whole legislative power and authority of India were centralized in the governor-general and Council, with this additional member [the law member]. So matters stood in 1853, but great complaints had emanated from other parts of India of the centralization of power at Calcutta. The practice was then introduced of placing in the governor-general's Council members from different parts of India. The tenor of the evidence given before the Committee of 1852–53 was to point out that the Executive Council alone, even with the assistance of the legislative member, was incompetent to perform the increased duties which were created by the extension of territory. Mr. M'Leod, a distinguished member of the Civil Service of India, and who had acted at Calcutta as one of the law commissioners, gave the following evidence before the Committee:

"The governor-general with four members of Council, however highly qualified those individuals may be, is not altogether a competent legislature for the great empire which we have in India. It seems to me very desirable that, in the legislative government of India, there should be one or more persons having local knowledge and experience of the minor presidencies; and that it is entirely wanting in the legislative government as at present constituted. It appears to me that this is one considerable and manifest defect. The governor-general and Council have not sufficient leisure and previous knowledge to conduct, in addition to their executive and administrative functions, the whole duties of legislation for the Indian Empire It seems to me that it would be advisable to enlarge the Legislative Council and have representatives of the minor presidencies in it without enlarging the Executive Council, or in any way altering its present constitution."

Mr. Hill, another eminent civil servant, said: "The mode of carrying out improvements must be by strengthening the hand of the legislature. . . . . It would be a great improvement if, after the preparation of laws by the executive government and its officers, when the legislature met, they had the addition to their number of the chief justice and perhaps another judge of the Supreme Court, one or two judges of the Sudder Court, and the advocate-general, or some other competent persons, so that there should be a more numerous deliberative body."

Turning to the presumptuous demeanor of the Legislative Council, he said:

My intention was in accordance with the opinions I have cited, to give to the Council the assistance of local knowledge and legal experience in framing laws. The Council, however, quite contrary to my intention, has become a sort of debating society, or petty parliament. My own view of its duties is expressed in a letter I wrote to Lord Dalhousie in 1853, in which I said: "I expect the non-official members of your enlarged Legislative Council to be constantly employed as a Committee of Council in working at Calcutta on the revision of your laws and regulations."

It was certainly a great mistake that a body of twelve members should have been established with all the forms and functions of a parliament. They have standing orders as numerous as we have; and their effect has been, as Lord Canning stated in one of his dispatches, to impede business, cause delay, and to induce a council, which ought to be regarded as a body for doing practical work, to assume the debating functions of a parliament. In a letter which is among the papers upon the table of the House, Mr. Grant bears testimony to the success which has attended their labours in framing laws; and I will quote the words of another able Indian servant to the same effect. He says: "If it be assumed that the enlargement of the Council by the addition of two judges of the Supreme Court and four councillors of the different presidencies of India was designed only as a means of improving the legislation of the country, the measure must be regarded as a complete success. The Council has effected all that could be expected and may with just pride point to the statutes of the last seven years as a triumphant proof that the intention of Parliament has been fulfilled."[1]

I think that is a very satisfactory proof that as far as my intentions—and what I believe were the intentions of the legislature of this country—were concerned, the objects of the change in the position of the governor-general's council, when sitting for legislative purposes, have been most completely fulfilled. I do not wish to say anything against a body the constitution of which I am about to alter, but I think that the general opinion, both in India and England, condemned the action of the Council when it attempted to discharge functions other than those which I have mentioned—when it constituted itself a body for the redress of grievances and engaged in discussions which led to no practical result. So much has this struck those most competent to form an opinion that I find that the first vice-president, Sir Lawrence Peel, expressed a very decided opinion against it, and says of the Council, in a short memorandum:

It has no jurisdiction in the nature of that of a grand inquest of the nation. Its functions are purely legislative and are limited even in that respect. It is not an Anglo-Indian House of Commons for the redress of grievances to refuse supplies, and so forth.

These obvious objections were pointed out to me by the government of India last year, and it was my intention to have introduced a measure upon the subject in the course of the session.[2] I felt, however, so much difficulty in deciding in what shape the measure should be framed that I deferred its proposal until the present year, and Lord Canning, who was very anxious that such a measure should be pressed, consented to defer his departure from

[1] *Parliamentary Debates*, 3d Ser., Vol. CLXIII (May–June, 1861), cols. 637–40.
[2] *Ibid.*, col. 639.

India in order that he with his great experience of the country might introduce the change.[1]

The Indian Councils Bill of 1861 was much more detailed than that of 1858 and partook to a very great degree of the nature of a constitution which furnished the foundation of the imperial government for the thirty-one years to follow. As such it merits special consideration.[2]

The act provided that the Excutive Council of the governor-general should consist of five ordinary members, three of whom should be appointed by the secretary of state in council, a majority of the Council concurring. They were to have had at least ten years' service under the Company or the Crown. The other two were to be appointed by the Crown. One of these two was to be an English or Scotch lawyer of experience. The law member was a relic of 1853 and presided over the legislative department. Custom fixed their term at five years. The secretary of state might appoint the commander-in-chief as an extraordinary member of the Council, and he regularly did so.

When the Council sat in either of the provinces, the governor was entitled to a seat as an extraordinary member. This resulted in the governor of Bengal so sitting for half the year while the Council was at Calcutta, and the lieutenant governor of the Punjab for the rest of the year while it was at Simla. The Council was empowered to appoint a temporary successor to the governor-general in case of his death or resignation. By Section 8, the governor-general was given power to make rules for the conduct of business in his Executive Council.

Lord Canning made haste to avail himself of this right to remodel his ponderous, impossible Executive Council into the semblance of a cabinet in which, instead of everyone doing everything, each member was in charge of one or more of the departments of the government.[3]

[1] *Ibid.*, col. 640.

[2] The passage of the Indian Councils Act of 1861 through Parliament was as follows:

June 6, introduced and read for the first time.
June 13, passed second reading without division.
June 28, passed third reading without division.
July 1, passed first reading in Lords.
July 9, passed second reading in Lords.
July 22, passed third reading in Lords.
August 1, received the royal assent, *Ibid.*, Vols.CLXIII, CLXIV (1861), index.

[3] W. W. Hunter, *Lord Mayo*, pp. 81–82.

The secretary was retained and, as a listener, attended the meetings where the affairs of his department were under consideration, but he was responsible to the Council member who was the initiating member for the department, responsible for its business, in charge of its measures, and represented it in the Council, before which he was bound to lay all important measures.

Under the new allocation of business the governor-general himself invariably took the Foreign Department, leaving the Home, the Revenue, the Financial, the Military, and the Legislative departments to be apportioned among the Council. As business increased in later years and new departments were added, they fell to one or the other of the members. In practice the finance member has usually held the portfolio for the Finance Department; the law member, for the Legislative; and the commander-in-chief, for the Military Department.

The regular meetings were held once a week and as many extra ones as the governor-general deemed necessary.[1] The sessions were private and informal, the members being forbidden to rise from their seats when they addressed the Council. The language was English[2] although Lord Canning proposed to so conduct business as to allow even Indians unacquainted with English to participate.

For the purposes of legislation the governor-general was to nominate not less than six or more than twelve additional members, one-half of whom were to be non-officials. Their term was to be two years. The advisability of abolishing the Legislative Council had been seriously considered but given up. The following is the explanation of Sir Charles Wood:

> The present constitution of the Council for Legislative Purposes having failed, we have naturally to consider what should be substituted, and in doing so we must advert to the two extreme notions with regard to legislation which prevail in India. The notion of legislation which is entertained by a native is that of a chief or sovereign who makes what laws he pleases. He has little or no idea of any distinction between the executive and legislative functions of government. A native chief will assemble his nobles around him in the durbar, where they freely and frankly express their opinions; but having informed himself by their communications, he determines by his own will what shall be

[1] "Constitutional Reforms," *Parliamentary Papers*, p. 52, East India, 1918.

[2] How the required use of English affected the natives is illustrated by the alleged remark of a Maharajah of the Northwest: "At first I found it very difficult but there was the governor-general who elected me and when he raised his hand I raised mine, and when he put his hand down, I put down mine."—*Parliamentary Debates*, 4th Ser., Vol. III, col. 95.

done. Among the various proposals which have been made for the government of India is one that the power of legislation should rest entirely on the executive but that there should be a consultative body; that is that the governor-general should assemble from time to time a considerable number of persons whose opinions he should hear and by whose opinions he should not be bound; and that he should himself consider and decide what measures should be adopted. In the last session of Parliament Lord Ellenborough developed a scheme approaching this in character in the House of Lords, but Hon. gentlemen will see, in the dispatches which have been laid upon the table, that both Lord Canning considers this impossible and all the members of his government, as well as the members of the Indian Company, concur in the opinion that, in the present state of feeling in India, it is quite impossible to revert to a state of things in which the executive government alone legislated for the country. The opposite extreme is the desire which is natural to Englishmen wherever they be—that they should have a representative body to make the laws by which they are to be governed. I am sure, however, that everyone who considers the condition of India will see that it is impossible to constitute such a body in that country. You cannot possibly assemble at any one place in India persons who shall be the real representatives of the various classes of the native population of that empire. It is quite true that when you diminish the area over which legislation is to extend you diminish the difficulty of such a plan. In Ceylon, which is not more extensive than a large collectorate in India, you have a legislative body consisting partly of Englishmen and partly of natives, and I do not know that government has worked unsuccessfully, but with the extended area with which we have to deal in India it would be physically impossible to constitute such a body. The natives who are resident in the towns no more represent the resident native population than a highly educated native of London, at the present, represents a highland chieftain or a feudal baron of half a dozen centuries ago. To talk of a native representation is, therefore, to talk of that which is simply and utterly impossible. Then comes the question to what extent we can have a representation of the English settlers in India. No doubt it would not be difficult to obtain a representation of their interests, but I must say that of all governing or legislative bodies none is so dangerous or so mischievous as one which represents a dominant race ruling over an extended native population. All experience teaches us that where a dominant race rules another, the mildest form of government is despotism.[1]

Accordingly the Legislative Council was retained, but the presumptuousness of the previous Council was rigidly guarded against by giving the governor-general power to make rules for the conduct of its business. Furthermore, no business was to be transacted at its meetings but the

[1] *Ibid.*, 3d Ser., Vol. CLXIII (May–June, 1861), cols. 640 *et seq.*

consideration and enactment of measures introduced into the Council for enactment. It was not lawful for any member to make or the Council to entertain any motion unless for leave to introduce some measures or having reference to one already introduced.

It was not lawful for any member to introduce without the previous sanction of the governor-general any measure affecting: (1) the public debt or public revenues of India, or by which any charge would be imposed on such revenues; (2) religion or religious rights and usages of any class of Her Majesty's subjects in India; (3) discipline or the maintenance of any part of Her Majesty's military or naval forces; (4) the relations of the government with foreign princes or states.[1] No law was to be valid until it had received the assent of the governor-general or Her Majesty's assent through the secretary of state for India in council.

The signature of the governor-general, or in his absence that of the temporary president, was necessary for the validity of any act. He was also given the power of making a temporary ordinance, not to remain in force for more than six months. The reasons for this veto power as given by Sir Charles Wood were that:

> The natives do not distinguish very clearly between the acts of the government itself and the acts of those who apparently constitute it, namely the members of the Legislative Council; and in one of Lord Canning's dispatches he points out the mischiefs which have on that account arisen from publicity. He says that, so far as the English settlers are concerned, publicity is advantageous; but that if publicity is to continue, care must be taken to prevent the natives confounding the measures which are adopted with injudicious speeches which may be made in the Legislative Council. I feel it, therefore, necessary to strengthen the hand of the government so as to enable them not only by veto to prevent the passing of a law, but to prevent the introduction of any bill which they think calculated to excite the minds of the native population; repeating the caution which I have before given, I say it behooves us to be cautious and careful in our legislation.[2]

On the positive side and subject to these checks, the Council was given very extensive legislative powers. It was empowered to enact:

> laws and regulations for repealing, amending, or altering any laws or regulations now in force or hereafter to be in force in Indian territories now under the dominion of Her Majesty and make laws and regulations for all persons,

[1] Panchanandas Mukherji, *Indian Constitutional Documents*, 1773–1915, pp. 162 *et seq.;* also *Law Journal*, XXXIX (1861–62), 97.

[2] *Parliamentary Debates*, 3d Ser., Vol. CLXIII (May-June, 1861), col. 642.

whether British or natives, foreigners or others, and for all courts of justice whatever, and for all places and things within the said territories and for all servants of the government of India within the dominions of princes and states in alliance with Her Majesty; and the laws and regulations so to be made by the governor-general in council shall control and supersede any laws and regulations in any wise repugnant thereto which shall have been made prior thereto by governors of the presidencies of Fort St. George and Bombay respectively in council, or the governor or lieutenant governor in council of any presidency or other territory for which a council may be appointed, with power to make laws and regulations under and by virtue of this Act; provided always that the said governor-general in council shall not have the power of making any laws or regulations which shall repeal or in any way affect any of the provisions of this Act, or certain other acts mentioned by number and name, or which may affect the authority of Parliament or the constitution and rights of the East India Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the Crown over any part of the said territories.[1]

The regulations[2] in force in the non-regulation provinces were declared valid, but by implication it was provided that there should be no legislation thereafter in India except as provided for by its statutes. The provincial legislative councils were revived in Madras and Bombay along lines similar to those of the Imperial Legislative Council.[3] The additional[4] members to be summoned for legislative purposes were to number from four to eight. Not less than half of them were to be non-officials. Their terms were to be two years. The councils were subject to the regulations of their respective governors in the matter of procedure, just as the Imperial Legislative Council was subject to the governor-general.

Without the previous consent of the governor it was not lawful to introduce any measure affecting the public revenues of the presidencies.

[1] *Law Journal*, XXXIX (1861–62), 97; also P. Mukherji, *op. cit.*, p. 156.

[2] Sir Henry Maine, *Proceedings of the Legislative Council of the Governor-General of India*, VI (1867), 20.

[3] In 1862 the governor of Bengal was given a legislative council largely as a result of the Orissa famine and the maladministration of Sir Cecil Beadon and his Board of Revenue. It consisted of four officials and four non-officials. M. E. Grant Duff, *Life of Sir Henry Maine*, pp. 372–73; also Montgomery Martin, *The Progress and Present State of British India*, p. 178.

[4] *Law Journal*, XXXIX (1861–62), 99; also P. Mukherji, *op. cit.*, pp. 159 *et seq.* Sec. 29 *et seq.* of Indian Councils Act of 1861.

The assent of the governor-general to all their laws was necessary for their validity. These provincial councils were to have power to make, repeal, or amend all laws provided they did not affect the acts of Parliament in force in their presidency. Except with the sanction of the governor-general they were also not to take into consideration the following classes of laws, or regulations: (1) affecting the public debt of India or the customs duties, or any other tax or duty now in force and imposed by authority of the government of India for general purposes of such government; (2) regulating any of the current coin or issues of any bills, notes, or other paper currency; (3) regulating the conveyance of letters by the post-office or messages by the electric telegraph within the presidency; (4) altering in any way the penal code of India, as established by act of the governor-general in council (No. 42 of 1860); (5) affecting religion or the religious rites and usages of any class of Her Majesty's subjects in India; (6) affecting the discipline or the maintenance of any part of Her Majesty's military or naval forces; (7) affecting the relations of the government with foreign princes or states.[1] The governor-general was also given power to extend these provincial legislative councils to Bengal and "other parts of India."

Lord Canning himself was responsible for the re-establishment of the provincial legislative councils in Madras and Bombay, where they had been in abeyance since 1853. "He strongly felt[2] that although great benefits had resulted from the introduction of members into his Council who possessed a knowledge of localities—the interests of which differ widely in different parts of the country—the changes had not been sufficient, in the first place, to overcome the feeling which the other presidencies entertained against being overridden, as they called it, by the Bengal Council, or, on the other hand, to overcome the advantages of having a body legislating for these presidencies without acquaintance with local wants and necessities."

Moreover, Sir Charles Wood said in discussing the question:

> It is obviously necessary that these bodies should not be empowered to legislate on subjects which I may call of Indian rather than of local importance. The Indian debt, the customs of the country, the army of India, and other matters, into the details of which it is not necessary that I should enter, belong to a class of subjects which the local legislatures will be prohibited from entering upon without the sanction of the governor-general.[3]

[1] *Law Journal*, XXXIX (1861–62), 99; also P. Mukherji, *op. cit.*, p. 162, Sec. 43.

[2] *Parliamentary Debates*, 3d Ser., Vol. CLXIII (May–June, 1861), cols. 643–44.

[3] *Ibid.*, col. 644.

Sir Henry Maine in a minute regarding a proposal to abolish the Bengal Legislative Council in 1868 presented the following which is the best statement of the reasons back of the re-creation of the provincial legislative councils:

> The absolute denial of legislative power to the executive government as it affects the wilder and less civilized portions of India is most inconvenient and I venture to think most dangerous; for it comes to this, that the executive government can do no act unless there is a known rule to back it. This might be all very well if India was—what China was once supposed to be—a country in which there was a rule for every possible contingency. But the government of the country is an experiment conducted under perpetually changing conditions; those who know most of the people in the outlying provinces probably know but little of them; mistakes are constantly discovered which ought at once to be corrected; peculiarities of character and feeling unknown before have suddenly to be allowed for; and new circumstances arise to which measures must be molded. As matters stand at present the government can do nothing without coming to Calcutta for a formal law, the reasons for which it is often not easy and occasionally not safe to assign. Moreover the law in question has to be asked from a Council which is not really responsible for the peace and good government of the territories to be legislated for. No doubt in practice the legislature shows great good sense by accepting these laws from the local functionaries without questioning them. Still it is just possible that a law imperatively required for the safety of the Trans-Indus Frontier, or the peace of the wild country in the Central Provinces might be refused; and if so what responsibility could be fixed on the members of the civil service from Madras, Bombay, and Bengal proper or on the gentlemen belonging to the Calcutta mercantile community who sit in the Council? Yet public opinion in England exacts from the executive government of India the responsibilities of a despotism—even over the more settled provinces to a much greater extent than is commonly believed, and over the wilder provinces absolutely.
>
> Nor must it be left out of account that the public debates in the council which in my judgment have an excellent effect [so far as they go] on the civilized and settled provinces might do us great injury in the rest of India to which they are sure to penetrate, if they do penetrate, in a distorted and falsified shape.[1]

By far the most profoundly significant provision of the whole act was contained in the phrase "as seemed expedient," used to describe the additional members to compose the Legislative Council. Intentionally these words were used to permit the addition of native Indians to the Council. If it be possible to fix any specific date for the inauguration of self-government in India it would be this. Slight as it was, it

[1] Grant Duff, *op. cit.*, pp. 363–64.

was the first break in the rigid exclusiveness of the British control of the direction of the policy of the government of British India. Subordinate and even occasionally officials of higher rank had been natives,[1] but never before had they been intrusted with more than the functions of carrying out the decisions of English superiors. Now, for the first time, Indians were to be granted a voice in the determination of policy, small though it was.

The concession, however, seems to have been made purely for the interests of government efficiency and with no idea of anything in the nature of self-government. A minute of Sir Bartle Frere, written in 1860, put the reasons in these words:

> The addition of the native element has, I think, become necessary owing to our diminished opportunities of learning through indirect channels what the natives think of our measures, and how the native community will be affected by them. It is useless to speculate on the many causes which have conspired to deprive us of the advantages which our predecessors enjoyed in this respect. Of the fact there can be no doubt and no one will, I think, object to the only obvious means of regaining in part the advantages which we have lost unless he is prepared for the perilous experiment of continuing to legislate for millions of people, with few means of knowing, except by rebellion, whether the laws suit them or not.[2]

Sir Charles Wood, in his speech on the act, gave some of the more immediate incentives when he said:

> I regret to say that the recent mutiny has aggravated these difficulties. The unlimited confidence which a few years ago was felt by the European population in the natives of India has given way to feelings of distrust. Formerly there was, at all events, no feeling of antagonism between the higher portion of official persons and the great mass of the population. The latter looked up to the government as to a protector, and if any feeling of antagonism existed, it existed only between them and those members of the service or the English settlers who were brought into antagonistic contact with them. When I heard some time ago that the feeling of antagonism was extending itself lower among the natives and higher among the officers, I deeply regretted it as the most alarming symptom of altered circumstances which must obviously tend to increase the dangers of our position. I do not wish

[1] *Parliamentary Debates*, 3d Ser., Vol. CLXI (Feb.–March, 1861), col. 475. Both in Oudh and in the Punjab, Lord Canning had given to the native chiefs large power, both fiscal and magisterial, which they had administered, not only with great advantage, but also with a degree of impartiality which might hardly have been expected.

[2] "Constitutional Reforms," *Parliamentary Papers*, XVIII, 51. East India, 1918.

to dwell on this matter, but it would be folly to shut our eyes to the increasing difficulties of our position in India, and it is an additional reason why we should make the earliest endeavor to put all our institutions on the soundest possible foundations. It is notoriously difficult for any European to make himself intimately acquainted with either the feelings or opinions of the native population. . . . .[1]

I propose that when the governor-general's Council meets for the purpose of making laws and regulations, the governor-general should summon, in addition to the ordinary members of the Council, not less than six nor more than twelve additional members, of whom one-half at least shall not hold office under government. These additional members may be either Europeans, persons of European extraction, or natives. Lord Canning strongly recommends that the Council should hold its meetings in different parts of India, for the purpose of obtaining at times the assistance of those native chiefs and noblemen whose attendance at Calcutta would be impossible or irksome to themselves. I do not propose that the judges ex officio shall have seats in the legislature; but I do not preclude the governor-general from summoning one of their number if he chooses. They were useful members of a body meeting as a committee for the purpose of discussing and framing laws, but I think it is inexpedient and incompatible with their functions that they should belong to a body partaking in any degree of a popular character. I propose that the persons nominated should attend all meetings held within a year. If you compel their attendance for a longer period you render it very unlikely that any natives except those resident upon the spot will attend the meetings of the Council. This also is recommended by Lord Canning. Hon. gentlemen will have noticed the great success which has attended the association with us of the Talookdars of Oudh and the Sirdars in the Punjab in the duties of administering the revenue, and Lord Canning has borne testimony to the admirable manner in which they have performed their duties. I believe greater advantages will result from admitting native chiefs to co-operate with us for legislative purposes, but they will no longer feel, as they have hitherto done, that they are excluded from the management of affairs in their own country, and nothing I am persuaded will tend more to conciliate to our rule the minds of natives of high rank.[2]

On the actual working of the provision for the admission of natives, Sir Henry Maine wrote the following in 1868:

Nobody who has watched the changes which have occurred during the last five or six years in the composition of the Legislative Council can fail to have been struck by the steady deterioration, in point both of social rank and of mental calibre, of that native element from which so much was at first

[1] *Parliamentary Debates*, 3d Ser., Vol. CLXIII (May-June, 1861), cols. 634–35.

[2] *Ibid.*, cols. 642–43.

expected and to which so much importance is still attached at home. When the existing legislature was first established it included a sovereign prince [Maharaja of Patiala] the first statesman of the native territories [Raja Dinkar Rao] and a wealthy gentleman of an historical family of much influence with his countrymen [Raja Deo Narayan Singh] and of singular sagacity. We have now two Bengali gentlemen of whom one was for many years of his life a government servant and a zamindar from the Northwest—all three very respectable but none of any extraordinary weight. The result of my experience during these five or six years is that we cannot get the men we want and that when we get them we cannot keep them or have the greatest difficulty in keeping them.

His Excellency the Viceroy has the nominations to the Council entirely in his hands and it is to him that application for his sanction to the departure of native members is addressed. He is aware how many times and by whom the seats in the Council have been declined and whether or not the native members exhibit anxiety to get away. I shall be surprised if he has not observed that there is the utmost reluctance to come and the utmost hurry to depart and if he does not attribute both to the fear and detestation with which the climate of Calcutta is regarded by all the natives of India not born in Bengal or indeed in the vicinity of Calcutta itself. We have seen a semi-sovereign chief reduced by these feelings to such a pass that after two or three days' stay he slipped away in the night leaving a medical certificate behind him, and I state the impression repeatedly made on myself when I say that the discomfort of those native members who do remain is sometimes quite pitiable.[1]

To summarize the main features of the Indian Councils Act of 1861, it restored to the governments of Madras and Bombay the powers of legislation which the Charter Act of 1833 had withdrawn, but with the important distinction that thenceforth the previous sanction of the governor-general was made requisite for their legislation in certain cases, and that all their acts required the subsequent approval of the governor-general in addition to that of their governor.[2] To this extent the governor-general was given direct and personal control over the exercise of all legislative authority in India.

The legislative councils were restored to Madras and Bombay by expanding the executive councils in the same fashion as the governor-general's. The governor-general was also directed to establish a similar legislative council in Bengal, which was done in 1862, and empowered to do so for the Northwestern Provinces and the Punjab. This was done in 1886 and 1897 respectively. For purposes of legislation the

[1] Grant Duff, *op. cit.*, pp. 370–71.

[2] "Constitutional Reforms," *Parliamentary Papers*, pp. 53–54. East India, 1918.

governor-general's Council was reinforced by additional members, not less than six nor more than twelve in number, nominated for two years, of whom not less than half were to be non-officials.

The legislative power of the governor-general in council was extended over all persons, whether British or Indian, foreigners or others, within the Indian territories under the dominion of Her Majesty, over all courts of justice, over all places and things within the said territories, over all British subjects within the dominion of princes and states in alliance with Her Majesty. The act also gave legal force to all the miscellaneous rules and orders which had been issued in the newly acquired territorities of the Company, known as the non-regulation provinces, either by extending or adapting to them the regulations which had been made for the older provinces, or frankly by the executive authority of the governor-general in council.[1] The governor-general was given power to make in time of emergency temporary ordinances which, however, were not to remain in force more than six months.

There was no attempt at demarcating the jurisdictions of the central and local legislatures, except that in certain matters the governor-general's sanction had to be obtained. With this exception the Imperial Council could legislate for the whole of India and the provincial council for the whole province.

The precocity of the existing Legislative Council was rebuked. It had modeled its procedure upon that of Parliament and shown what was considered an inconvenient amount of independence by asking questions about, and discussing the propriety of, the methods of the executive government. The functions of the new council were strictly limited to legislation. They were expressly forbidden to transact any business except the consideration and enactment of legislative measures, or to entertain any motion except a motion for leave to introduce a bill or having reference to a bill actually introduced. And most important ant of all, natives were for the first time admitted to membership in the Imperial Legislative Council.

Some features of these legislative councils established in 1861 should be kept especially in mind. The legislative councils then established were merely committees for the purpose of making laws—committees by means of which the executive government obtained advice and assistance in their legislation, and the public derived the advantage of full publicity, being assured at every stage of the law-making process. Although

[1] In 1870 the power of legislating for disturbed or backward tracts by regulations made in Executive Council was restored to the governor-general.

the government enacted the laws through its Council, private legislation being unknown, yet the public had a right to make itself heard and the executive was bound to defend its legislation. And when the laws were once made, the executive was as much bound by them as the public, and the duty of enforcing them belonged to the courts of justice. In later years there was a growing deference to the opinions of important classes, even when they conflicted with the conclusions of the government, and such conclusions were often modified to meet the wishes of the non-official members. Still it would not be wrong to describe the laws made in the legislative councils as in reality the orders of the government; but the laws were made in a manner which insured publicity and discussion, were enforced by the courts and not by the executive, could not be changed but by the same deliberate and public processes as that by which they were made, and could be enforced against the executive in favor of individuals when occasion required.

The councils were not deliberative bodies with respect to any subject but that of the immediate legislation before them. They could not inquire into grievances, call for information, or examine the conduct of the executive. The acts of the administration could not be impugned, nor could they be properly defended in such assemblies except with reference to the particular measure under discussion.

As to the general working of the act, Lord Curzon said in 1892:

> This system has undoubtedly worked well. It has justified itself and the anticipations of its promoters. Operating to a very large extent through the agency of special committees composed of experienced persons, it has proved to be an efficient instrument for the evolution of laws. The publicity which has attended every stage of its proceedings has had a good effect. A number of native gentlemen of intelligence, capacity, and public spirit have been persuaded to come forward and lend their services to the functions of government, and undoubtedly the standard of merit in these legislative councils has stood high. Indeed, I would venture to say that few better legislative machines, with regard to their efficacy for the particular object for which they were constructed, are everywhere in existence, nor can better legislation produced by such bodies be found in any other country.[1]

Viewed from the perspective of the whole period of British dominion in India, the Indian Councils Act of 1861 closed a chapter.[2] It completed the construction and consolidation of the mechanical framework of the

[1] *Parliamentary Debates*, 4th Ser., Vol. III (1892), col. 55.

[2] "Constitutional Reforms," *Parliamentary Papers*, p. 55. East India, 1918.

government of India and furnished a foundation for a generation of English administrators to build on. In the period of which it marked the close, the three separate provinces had come into a common system and the intervening territory brought directly or indirectly under British rule. The legislative authority of the governor-general in Council had been asserted over all the provinces and extended to all their inhabitants. The principle of recognizing local needs and welcoming local knowledge had been admitted to the extent of creating two local councils, into which a few non-officials and even Indian members had been admitted for the purpose of advice. The authority and actual control, however, was as yet jealously retained in the hands of the officials.

CHAPTER IV

MUNICIPALITIES, 1858–68

The inactivity of Parliament after 1861
Development in India of municipal government
- The law of 1850
  - Provisions
  - Extent of application and working

Municipal developments, 1860–68
- The new laws
  - Reasons
    - Cumbersomeness of the act of 1850
    - The Sanitary report of 1863
  - The resolution of Lord Lawrence, September 14, 1864
  - The municipal policy of the government—to devise a cheap and efficient police and sanitation system
  - The acts
    - The Bengal Village Police Act of 1856
    - The Bengal Municipalities Act of 1864
    - The Madras Municipal Act of 1865
    - The Bombay amendments to act of 1850, in 1861, 1862, and 1865
      - Their working in Karachi
    - The Punjab acts
      - The Lucknow Municipal Act of 1864
      - The beginning of municipal government elsewhere in the Punjab
      - The Punjab Act of 1867—wide powers granted to the lieutenant governor
      - Extension of the act to the Central Provinces and Oudh
    - The Northwestern Provinces Act of 1868
      - Purpose and plan
      - Model—the Punjab act somewhat elaborated
    - The Bengal Act of 1868
    - Types of municipal acts
      1. Minute and particular provisions as in Bengal
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      3. Vague and general—the Punjab
  - The features of the laws of the 1860's—sanitation and police
  - Obstacles to the acts encountered—lack of capable men, apathy of public opinion
  - Government's belief in necessity for official guidance
  - The working of the acts

After the law of 1861 had passed on to the statute books, Parliament, save for some minor unimportant measures,[1] left the field of Indian political development alone for thirty-one years until in 1892 another Indian Councils Act marked a new step. In the meantime, however, the development of self-government was by no means at a standstill. The field of its development merely shifted from the imperial and provincial, where the first concession had been made toward admitting natives to even a slight share in the determination of the affairs of India, to the lesser municipalities first, and later to the rural areas.

This tremendously important development, however, was effected in India itself by the Legislative Council of the governor-general and the presidencies, supplemented by movements among the Indian people. In these, Parliament and the English people were concerned primarily only as spectators, although of course no change was made without the approval of the secretary of state.

By 1858[2] some steps had already been taken in the direction of introducing municipal government in the lesser towns. In 1850 an act had been passed which was still in force in the Northwestern Provinces, the Punjab, and Bombay, where the similarity of the taxes authorized by it to the old Maratha levies made it peculiarly suitable.

This act[3] provided that "if it shall appear to the Governor or Lieutenant Governor of any presidency" that the inhabitants of a town were desirous of making better provision for their streets and sanitation, he might put the act in force, creating a municipal committee consisting of the magistrates and such number of the inhabitants as should seem necessary to him. The members of these committees were empowered

[1] Among these measures were: (*a*) The Government of India Act of 1865, which defined the legislative powers of the governor-general in council, and the territorial boundaries of the presidencies. P. Mukherji, *Indian Constitutional Documents*, 1773–1915, pp. 132 *et seq.* (*b*) The Government of India Act of 1869 which made all the members of the India Council appointees of the secretary of state for India. *Law Reports of England*, 1868–71. (*c*) The India Councils Act of 1871, which limited the legislative power of the governor-general in council in the matter of Europeans, forbidding granting magistrates jurisdiction over them which they did not have over natives. *Law Reports of England*, 1868–71. (*d*) The Indian Councils Act of 1874 was passed to authorize an additional public works member for the executive council of the governor-general. *Public General Statutes of England*, 1874, pp. 37–38; *Vict.*, chap. 91. (*e*) The Council of India Act of 1876 which authorized appointees to the Council of India, possessed of special knowledge. P. Mukherji, *Indian Constitutional Documents*, 1773–1915, pp. 132 *et seq.*

[2] W. W. Hunter, *Imperial Gazetteer of India*, IV, 286.

[3] *Acts of the Governor-General of India in Council*, 1850, Act XXVI (June 21,1850).

to appoint the necessary servants, to apportion in taxes, either house assessments or town duties, to prohibit nuisances, and to make necessary contracts.

Sir William Mansfield, commander-in-chief, speaking on the North-western Provinces Municipalities Bill in 1868, and referring to the working of the act of 1850 said:

> Lieutenant governors, commissioners, and magistrates in this country were generally animated by the most ardent zeal, but it did sometimes happen that zeal outran discretion. When there was total irresponsibility . . . . they had reason to put some check on the actions of the local officials. They were able to quote various instances in which the application of local funds in certain places had been made with a view to ornament and beautify localities, sometimes much more to the convenience of European ladies and gentlemen than of the people who paid the taxes. . . . . They had beautiful parks in one place, and magnificent gardens in another, all made out of local funds. . . . . Very recently . . . . he was stopping for a day in a town of some ten thousand inhabitants, in which there was a beautiful new market place, a handsome dispensary, a new square; a cross erected at the meeting of certain roads . . . . [all done] from local funds.[1]

Lord Lawrence himself admitted this saying, "In many places where undeniable improvements had been effected, they had been made more for the advantage of Europeans than natives, whereas the greater portion of the funds had been paid by natives,"[2] but cited the case of Lahore where the glacis of the town had been turned into gardens very much to the health of the town and numerous members of the native community had expressed themselves well pleased with the results.

In the Punjab the criticism was that it was found that the procedure of the introduction of the act was too tedious. Mr. Brandreth,[3] in discussing the law in 1866, did not regard it necessary to ask the consent of the townspeople for introduction of municipal government, although he did for methods of taxation. Moreover, the act made no provision for the police, which the subsequent Act V of 1861 had ordained should be appointed by the lieutenant governor.

The act of 1850 had been introduced, however, into four or five places in the Punjab. In these the committees were composed either entirely or in part of Europeans. They enjoyed, consequently, a more independent position than would have otherwise been the case.

[1] *Proceedings of the Legislative Council of the Governor-General of India*, VII (1868), 21.

[2] *Ibid.*, pp. 38–39. [3] *Ibid.*, V (1866), 236.

In general the act of 1850 was cumbersome in operation because of its voluntary provisions, and it would before long have been either amended or repealed. The immediate impulse, however, came from the report of the Royal Army Sanitary Commission, published in 1863. The official interest aroused by it in sanitary matters manifested itself extensively in the municipal field.

On the fourteenth of September, 1864, Lord Lawrence's government (see *Gazette of India Extraordinary*) issued a resolution in which it is said:

> The people of this country are perfectly capable of administering their own local affairs. The municipal feeling is deeply rooted in them. . . . . Holding the position we do in India, every view of duty and policy should induce us to leave as much as possible of the business of the country to be done by the people, by means of funds raised by themselves, and to confine ourselves to doing those things which must be done by the government; and to influencing and directing in a general way all the movements of the social machine.[1]

Acting on this principle the government of India embarked on a policy which Sir John Lawrence summarized when, several years later in the course of the debate on the Punjab Municipal Act of 1868, he said:

> For several years the government had been urging the adoption of sanitary improvements and arrangements, the establishment of hospitals, the construction of sarais and all those numerous matters which result in such great improvements to the country and benefit to the inhabitants, particularly the poor. To enable such improvements to be carried out they must give the commissioners some power to raise funds for the purpose.[2]

This policy manifested itself in a series of laws. The first of these was the Bengal Municipal Act of 1864.[3] It[4] provided[5] a body of seven

[1] J. Goldsmid, "Questions of the Day in India," *Nineteenth Century Review*, XIII (1883), 741.

[2] *Proceedings of the Legislative Council of the Governor-General of India*, VII (1868), 39–40.

[3] For Bengal another act had been passed in 1856 (No. XX). It was intended to provide for the appointment and maintenance of police *chaukidars* in "Cities, towns, stations, suburbs, and bazars." Although primarily a police measure, and intended as nothing more, it was extended to include sweepers in some places. Its chief importance, however, was as part of the foundations of the later laws. It provided for tax levies by punchayets of from three to five members appointed by the magistrate, *Ibid.*, XXIII, 534.

[4] *Acts of the Legislative Council of the Leiutenant Governor of Bengal*, 1864, Act III, pp. 215 *et seq.*

[5] The municipal acts for Bengal, Madras, and Bombay were enacted by the provincial legislative councils, and unfortunately their debates have not been available. Their provisions were more elaborate as a rule, but the underlying principles were the same as for the acts passed by the Imperial Legislative Council.

or more municipal commissioners, appointed by the lieutenant governor of Bengal supplemented by ex officio members, the commissioner of the division, the magistrate of the district, and the executive engineer. The magistrate was to be ex officio chairman. This body was to impose the usual land taxes and town duties. It was applied in twenty-five towns.[1]

Madras followed Bengal and in 1865 passed a municipal act.[2] It was a new departure for that province, but in general followed the Bengal law, although on more elaborate lines. In Madras the body of commissioners was to number five or more instead of seven or more as in Bengal, but they were to be appointed in the same fashion. The ex officio members were to be the magistrate of the district and the public-works officer. The most important difference was in the greater elaborateness with which the Madras measure covered the functions and taxes authorized, but the difference was in amount of detail, not in principle.

Bombay was content with simple amendments of the act of 1850. These were made in 1861,[3] 1862,[3] and in 1865. The latter was the Bombay expression of the municipal government movement which had already manifested itself in Bengal and was even then materializing in Madras. Of the workings of these laws in Karachi, Mr. Stewart said in 1868 that

> he had been intimately connected for several years with the municipal commissioners of one of the largest towns in the Bombay presidency, and one in which municipal institutions had succeeded better perhaps than in most, Karachi. Twelve years ago the principle of election was applied to Karachi and rules were laid down under which each important guild or fraternity of the inhabitants obtained the right of electing its representatives. The result was that in Karachi there was a maximum of self-government and a minimum of official interference.[4]

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XII (1873), 229.

[2] *Acts of the Legislative Council of the Governor of Madras*, 1865, Act X, pp. 5 *et seq.*

[3] W. W. Hunter, *op. cit.*, VIII, 365. The most important of these amendments was that of 1862. Previously the functions of the municipalities had been restricted to the making and repair of public streets, tanks, drains, etc., and the prevention of nuisances. After the act of 1862 it was lawful for them to spend money on dispensaries, hospitals, schools, and road-watering. By the same act the government received power to coerce recalcitrant municipalities into carrying out measures urgently needed. Up to 1870 the act of 1850 itself had only been adopted in 96 towns in Bombay, so averse were the inhabitants of the urban areas to submitting to municipal taxation and control.

[4] *Proceedings of the Legislative Council of the Governor-General of India*, VII (1868), 125.

By 1872 there were two hundred and one municipalities in the Bombay presidency.[1]

The Imperial Legislative Council was slower in getting under way than the presidency bodies. In 1864 a measure to legalize the existing municipality of Lucknow[2] was made necessary by the act of 1862, which was interpreted as restricting the entire legislative function to the Legislative Council, and inhibiting further legislation by regulation of the governor-general in council. A formal enactment was therefore imperative.[3] The Lucknow municipal committee was to be composed of the commissioner of Lucknow, the inspector-general of the police in Oudh, the civil surgeon of Lucknow, and the engineer of Lucknow. The non-official members were to be elected under such rules as to electorate and election as the chief commissioner of Oudh might prescribe.

This act and that of 1850 furnished the greater part of the foundation for the measure which the Imperial Legislative Council framed for the Punjab in 1867. In the Punjab, however, there had been a novel effect produced by the report of 1863.[4] In the early years subsequent to its annexation the Punjab sanitation was cared for by the district officers with good results as far as their immediate locality was concerned but decreasing by the square of the distance of their remoteness.

Following the report, Sir Robert Montgomery,[5] then lieutenant governor of the Punjab, determined on introducing municipal committees in almost all of the principal "inhabited places" in the Punjab. His wish was to give thereby to the people a more direct interest in matters that so nearly concerned them.

He directed that these committees should be appointed by the people themselves.[6] To a very great degree he was actually successful in this. "As far as the persons composing the committees were concerned they were in fact elective bodies. They were chosen by members of the different trades or in similar ways from among the townspeople themselves."

The committees were generally composed of natives. In a great many cases the officers of the government were not even members of

[1] *Ibid.*, XI, 104. [2] *Ibid.*, II, 49.

[3] This law is published in full in *Legislative Acts of the Governor-General of India in Council*, IV, 461 *et seq.*, by W. Theobald. It was No. XVIII of 1864, passed March 24, 1864.

[4] *Proceedings of the Legislative Council of the Governor-General of India*, V (1866), 234.

[5] *Ibid.*, VI (1867), 111. [6] *Ibid.*, V (1866), 234.

the committees and practically their entire business was carried on by natives. It was the consensus of opinion at the time that much good work was done by the committees, along the lines of sanitation, in digging wells and tanks, establishing efficient conservancy systems, stopping river encroachments, and draining swamps.

The whole proceeding,[1] however, was irregular and under the Indian Councils Act of 1861 without legal authority. The townspeople paid the taxes "in consequence of the good understanding subsisting between them and their committees," and even "the few defaulters who had been brought into court, though it was probably through ignorance, had never been heard of pleading that the taxes were illegal."

It was impossible that this patriarchal state of affairs could last, and the lieutenant governor applied for legislation on the subject in order both to legalize the new municipalities and to unite them with the few municipalities existing under the Towns Act (No. XXVI) of 1850 and the Lucknow Municipal Act of 1864, into a more uniform system of municipal government.

The law[2] as it finally issued from the Legislative Council at Calcutta, gives the impression of anything but liberality, though doubtless as advanced as the actual conditions warranted. It was, speaking broadly, a carte blanche to the lieutenant governor to establish whatever form of municipal government he chose, where he chose. The lieutenant governor was authorized in any town to appoint either ex officio or otherwise, or direct the appointment by election of any number of persons, not less than five to be members of the municipal committee. He might add to reduce the number or remove members at will and make such rules for the elections as he saw fit. All the tax measures required his previous consent. The first call on the municipal funds was to be the police. After its requirements were met money might be expended for conservancy, sanitation, and general improvement of the town. The committee also, subject to the approval and alteration of the lieutenant governor, might enact the necessary by-laws.

Even at that early time there were several, especially Mr. Riddell, who objected to allowing the lieutenant governor so much discretion, but it was felt that such extensive control was necessary to have in reserve to cover cases where matters went wrong. To meet this objec-

[1] *Proceedings of the Legislative Council of the Governor-General of India*, V (1866), 235.

[2] Published in full in *Legislative Acts of the Governor-General in Council*, W. Theobald, V, 409, No. XV of 1867 (March 11, 1867).

tion and that to the *octroi*, however, the operation of the act was limited to five years.

This Punjab Municipality Act of 1867[1] worked rather well. By 1871–72 there were three hundred and twenty-four towns and places in the province in which municipal income was raised. Of these two had been constituted under the old municipal act of 1850, and one hundred and twenty-seven were constituted under the act of 1867. One hundred and ninty-five were minor towns in which the municipal income was raised under executive orders in accordance with previous custom.

The chief commissioners of both Oudh and the Central Provinces had applied for the enactment of similar measures. The chief commissioner of the Central Provinces[2] did not at the time approve of the act, but a clause was inserted giving the governor-general in council power to extend its operation to both provinces. This was subsequently done. In the Central Provinces[3] over twelve municipalities were created under it, and in Oudh it was applied to a "Considerable number of places."

Under Sir George Campbell,[4] the chief commissioner, the law was most liberally applied in the Central Provinces as the following selections from one of his circulars show. It provided for the trial experimentally of the system of election.

> It will not be necessary to record the votes of those who do not choose to attend and vote but the district officers are requested to use their influence to induce the people to take an interest in the matter and to give their votes. It should be our object to insure that all classes may be fairly represented and especially that the laboring classes who cannot easily make themselves heard may have those who will speak for them and take care of their interests.
>
> It is not to be expected that the interest felt in these elections will be great at first, but the chief commissioner believes that if the people find their representatives have a real voice in their taxation and municipal management, an interest will spring up and substantial self-government may be gradually introduced. Wherever the committees have not been duly and properly elected under rules previously promulgated, elections will now be held under these instructions. Where they have been already so elected, they will of course hold office for the term for which they were elected.[5]

The following year another act of the same character as the Punjab act was passed by the Imperial Legislative Council for the Northwestern

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXIII (1884), 224.

[2] *Ibid.*, VI (1867), 110.

[3] *Ibid.*, XII (1873), 178, 208, 278.

[4] *Ibid.*, p. 184.

[5] *Ibid.*

Provinces[1] at the request of their lieutenant governor. It was framed[2] to a great extent on the model of the Punjab measure. The reasons advanced for this measure present the municipal situation of the time at a little different angle. Mr. Massey in the course of the debate on the bill said:

It was shown that whereas the present municipal law [1850] required an application from the people themselves in order to bring it into play, those really concerned were indifferent in the matter. Unless, therefore, the government acted *proprio motu* there would be no early prospect of anything being done towards municipal improvement.[3]

Mr. Cockerell said:

One of the main objects of the introduction of municipal administration was to stimulate the interests of the more intelligent portion of the community of the towns, etc., to which it was applied in measures which had for their object the amelioration of the condition of the people by inviting them to a share in the local administration which devised those measures and carried them into operation.[4]

There were also the same reasons advanced for it as for the Punjab Act of 1867. Mr. Brandreth put them thus:

Now that a regular organized police force with a police superintendent at its head has been established in every district, it was surely desirable that the police in large towns should be part of that body. . . . .

In a matter so obviously necessary as the construction of public works and the giving effect to useful sanitary measures in towns, it was surely advisable that the local governments should be empowered to so far take the initiative as to require the appointment of municipal commissioners for these purposes and that it should not be required to go through the somewhat absurd formality provided by the existing act, which was not well suited to the circumstances of the country of calling upon the mass of the inhabitants of such towns to decide whether they would have the act or not.[5]

This Northwestern Provinces Municipalities Act was applied in some sixty-two towns.[6] One effort was made to require election and Mr. Stewart proposed the following amendment to the Northwestern Provinces Act while it was under discussion in 1868.

SECTION 7. As soon as practicable after their appointment the Council shall prepare and submit for the sanction of the lieutenant governor rules for

[1] *Proceedings of the Legislative Council of the Governor-General of India*, VII (1868), 12.

[2] *Ibid.*, p. 14. [3] *Ibid.*, p. 25. [4] *Ibid.*, p. 31. [5] *Ibid.*, p. 35.

[6] Published in full in the *Acts of the Governor-General of India in Council*, 1868.

the biennial elections of municipal commissioners in the place of those who retire by rotation, and such rules when sanctioned by the lieutenant governor shall remain in force until altered or amended by the municipal commissioners with the sanction aforesaid.

These rules shall fix the qualifications required to entitle a person to vote for the election of a municipal commissioner and shall provide for the registration of such electors and the place and mode of election.

Every such election shall be completed not less than thirty days before the expiration of the period of office of the retiring member, and shall be reported by the president or vice-president of the committee to the lieutenant governor, and failing such election and report, the lieutenant governor may appoint duly qualified persons to be municipal commissioners in the place of those retiring in rotation.[1]

His only argument was that the system of election otherwise might not be tried at all. He was voted down, Sir Henry Maine contending that it was unwise to tie the hands of the lieutenant governor, especially as he was opposed to the application of the elective system and, further, that the towns in the Northwestern Provinces were not yet by any means ready for it. The desirability of electing the committees was generally conceded, but it seemed to have been wholly in the interests of efficiency and of lightening the burden of administration.

In the same year a new and more advanced law was passed by the Bengal Legislative Council.[2] This law not only provided for town committees, but also authorized the magistrate to create ward committees. The minimum size for the town committees was fixed at five, for the ward bodies at three. The government of Bengal was to provide such rules as it saw fit for their selection. This was the last of the municipal acts of the 1860's.

Broadly speaking, the acts of this decade fall into three categories, according to the prevailing forms of taxation.[3] In the first category, where it stood alone, was the Bengal act, which was a very minute and particular system in which the powers of the government as to the subjects of taxation were limited. In the second class, which included the Northwestern Provinces and Madras, there was a moderate limit to the taxation; the subjects of taxation were in a loose way prescribed;

[1] *Proceedings of the Legislative Council of the Governor-General of India*, VII (1868), 123–26.

[2] *Acts of the Legislative Council of the Lieutenant Governor of Bengal*, 1868, Act VI, pp. 17 *et seq.*

[3] *Proceedings of the Legislative Council of the Governor-General of India*, XII (1873), 218.

and certain maxims of taxation were laid down. Among them the incidence of taxation was more moderate than in the third division. The third group consisted of the Punjab, the Central Provinces, Oudh, and Bombay, where the municipal laws were altogether of a loose character; where there were no limits and no maxims of taxation; and where the taxation was left very much to the discretion of the executive government.

In general the municipal acts of the sixties had two purposes in view: the provision for the support of an adequate police force and the creation of an efficient system of sanitation resting on a developed public sentiment. They were primarily administrative measures. Those concerned with the passage of the laws were concerned more with preventing the *octroi*, or tax on articles entering towns, becoming a trade-fettering transit duty, and similar features, than they were with the idea of developing self-government.

As administrative measures on the whole, the laws were less cumbrous than that of 1850, though the latter amended still operated in Bombay. The laws varied to a considerable degree in the extent to which they detailed the sanitary powers of the municipal commissioners, and listed the taxes by means of which the committees were to meet their expenses. In the matter of self-government, however, they were very similar as far as the general principle was concerned. There was little idea of political training in the measures. They were designed to promote sanitation and public security by enlisting the assistance of the natives, and to some extent to lighten the financial burden of the imperial government.[1] Consequently, the government was given the power to step in and alter as it saw fit, whenever occasion arose.

In judging the motives which inspired these laws, however, it must not be forgotten that there were very serious obstacles to be encountered in introducing the laws. During the debate in 1868 on the Northwestern Provinces Municipal Act, Sir Henry Maine quoted the lieutenant governor of those provinces as saying:

> There are towns in which the system of a popular election would not conduce to good government. Either the number of citizens who by their intelligence and public spirit are capable of serving is so limited that there is little room for selection if a working committee is to be had, or those whose influence

[1] *Proceedings of the Legislative Council of the Governor-General of India*, VII (1868), 130. Mr. Minchin went so far as to say in the course of the debate on the Northwestern Provinces Municipal Act of 1868 that the chief object as he took it in encouraging municipal action was to relieve to some extent imperial taxation by taxes self-imposed.

must be respected would not act with persons chosen indifferently. Especially is it necessary on the first introduction of a system to conciliate those who are the leaders of society, and to use only the material which by education and natural ability is most fitted to perform the duties of the post. It is only to the care in attending to this that, in not a few instances, the success of the working of the act is due. Very recently when the act was introduced into the important town of Benares, the lieutenant governor was anxious that at least a portion of the committees should be elected by the citizens and suggested this to the committee of the leading residents appointed to draw up the rules, but the proposal did not meet with a favorable reception. Those native gentlemen who were unquestionably the most public spirited and intelligent in that large town thought that it would be unwise to introduce such a system until the act had been in operation for some time. . . . . Had the act rigidly prescribed that only by election shall the committee be chosen, it is not rash to assert that the result would often have been a failure, not success.[1]

Sir John Lawrence himself took a similar attitude saying:

The people on the whole were really indifferent to the subject of municipal and local improvements; if left to themselves a very great majority of them would prefer that there should be filth and insalubrity rather than that they should be taxed, but if the initiative were taken in a kindly way by the local officers, if the leading native citizens were consulted and improvements were carried out by degrees, particularly where the local government took the initiative, the natives would gladly follow the lead and accept a system of municipal government which if left to themselves they would really oppose.[2]

There were, however, a few expressions of more radical views. Mr. Taylor in the course of the debate on the Northwestern Provinces Municipal Act in 1868 said:

He believed that the people of this country were as capable of representative government as any other nation in the world. But they were not as yet, as a general rule, sufficiently accustomed to the duties and responsibilities it imposed, even in municipal affairs administered according to our forms, to be able to stand altogether alone. . . . . He had always maintained that it should be the aim of the government to improve and strengthen independent municipal action to the utmost of its power, to encourage the people to undertake for themselves what they could do far better than the state and by this means to develop a spirit of self-reliance and teach them self-government. He believed that the town and rural population were easily reconciled to local cesses of various descriptions, even when they were innovations upon popular ideas and customs, provided these cesses were imposed for definite objects connected with their own interests and their own convenience and well-being. And speaking from personal experience he could also state with confidence that

[1] *Ibid.*, p. 128. [2] *Ibid.*, p. 39.

their acquiescence in any well-devised measure of taxation for purely local and municipal objects was usually very readily obtained when they were invited and trusted to take an active part in its administration. . . . . The local administration and the district officers in the different provinces were the best judges when a spirit of responsibility were sufficiently matured to admit of the election of administratives independently of government control.[1]

Speaking generally, in actual operation the acts of the sixties seem to have worked as well as could be expected. Baron Northbrook in 1873 said of them:

During my recent visit to the Punjab I received from the lieutenant governor and other officers assurances that the native members of the municipal committees had performed their duties with great zeal and intelligence and had been of great assistance to the government.[2]

Speaking still more generally he said:

I have had some opportunities of ascertaining what the present state of representative municipal government is in different parts of India, and I am happy to say that I have had satisfactory evidence that in some parts of India, at any rate, representative municipal institutions have worked well. The realization of the full advantages of these institutions must of course be a matter of time and will require the education of more than one generation, but in Sindh, the Punjab, and the Central Provinces I was assured that the representative municipal committees have acted with independence and managed their own affairs well and satisfactorily. I wish, therefore, to say that as far as my knowledge enables me to speak, I believe municipal representative institutions have already worked well in many parts of India, and I am convinced that the introduction of representation in the management of local affairs will ultimately prove a great security to the government and an advantage to the people of this country.[3]

Mr. Bayley during the debate on the Central Provinces bill said the government in every case carefully considered "not only the wishes of the people but the policy of establishing each intended municipality and that particular constitution which it was intended to give it."[4]

In many cases,[5] however, the election privileges were admittedly a sham.[6] In the Punjab a *Local Government Order* of 1868 said, "Ordinarily

[1] *Proceedings of the Legislative Council of the Governor-General of India*, VII (1868), pp. 132 *et seq.*

[2] *Ibid.*, XII (1873), 71.

[3] *Ibid.*, p. 197.

[4] *Ibid.*, pp. 186–87.

[5] *Ibid.*, VII (1868), 125.

[6] *Ibid.*, p. 131. Mr. Minchin said, "It might be said that the whole attempt to make municipalities elective was a sham; if he was not afraid of the charge of cynicism, he might allow it and say that it was a beneficial sham."

a system of appointment will be preferred to one by popular election," and throughout the circular referred to, which was of great length and went into minute details on all points, there was not a word about election. H. W. Norman also admitted that the official element was very strong in municipal communities, and he believed that the poorer classes were often very inadequately represented.[1] The officials and richer natives labored under a strong temptation to endeavor to adorn the town . . . . and were well able to bear the taxation "necessary for the purpose, but he was quite convinced that the people were in general far too poor to be with propriety taxed for such objects.

[1] *Ibid.*, XI (1872), 607.

CHAPTER V

MUNICIPALITIES, 1868–82 (LORD MAYO AND LORD NORTHBROOK)

Financial decentralization under Lord Mayo
- Economic causes
  - Famine
  - Deficits
- Lord Mayo's resolution
- Effect of the policy
  - Madras Act of 1871
    - Election provisions
    - Their working
  - In the Punjab
  - In the Northwestern Provinces and Oudh

Continuation of the policy under Lord Northbrook
- The disallowed Bengal Municipal Act of 1873
  - The opinions of Sir George Campbell, its author
  - The Punjab Municipal Act of 1873
    - Its working
  - The Northwestern Provinces and Oudh Act of 1873
    - Its working
  - The Central Provinces Municipal Act of 1873
    - Its working
  - The Bombay Municipalities Act of 1873
  - The Burma Municipalities Acts of 1861 and 1874
  - The Bengal Municipalities Act of 1876

The obstacles encountered by the acts

Native estimate and opinions of municipal government

Relative unimportance of the numbers affected by municipal acts

The disciples of the theory of economic determinism will find much of significance in the light of subsequent events in the occurrences of the decade 1870–80. In 1866 occurred the terrible Orissa[1] famine coupled with the financial crisis of the same year, which nearly ruined the tea industry in Bengal and resulted in the widespread collapse of business in Bombay. In 1868–69 followed the famine in Bundelkhand and upper Hindustan, during the course of which Lord Lawrence laid down the

[1] Sir W. W. Hunter, *Imperial Gazetteer of India*, II, 516.

principle that the officers of the government would be held personally responsible for taking every possible means to avert death by starvation. The resulting increase in the financial burden of the government was very great, and the deficit became steadily more difficult to out-maneuver.

Lord Mayo came to the viceroyalty in 1869. He set about reorganizing the finances and inaugurated a system of provincial finance whereby the provinces were to assume part of the growing burden. In August, 1869, Lord Mayo wrote to Sir Henry Durand:

> I am determined not to have another deficit, even if it leads to the diminution of the army, the reduction of civil establishments, and stoppage of public works. The longer I look at the things the more I am convinced that our financial position is one of great weakness, and that our national safety absolutely requires that it should be dealt with at once, and in a summary manner.[1]

Lord Mayo accordingly resorted to two expedients, retrenchment and a reform of the financial system.[2] After an exhaustive preliminary correspondence with each separate administration he issued a resolution on the fourteenth of December, 1870, which may be called the charter of the provincial governments of India. By this document, which in due time received the approval of the secretary of state, a fixed yearly consolidated grant was made to each government to enable it to defray the cost of its principal services exclusive of the army, but including public works. The grants thus made were final for a period usually of five years and were liable to reduction only in case of severe financial distress happening to the supreme government. They belonged absolutely to the respective local governments. No savings from any one reverted to the Imperial Treasury. Their distribution was left to the discretion of the local governments, without interference on the part of the governor-general in council.[3]

[1] Sir W. W. Hunter, *Lord Mayo*, p. 143. [2] *Ibid.*, p. 151.

[3] *Ibid.*, p. 140. How effective these measures were can be seen from the following summary of their results:

The years of deficit (before Lord Mayo's arrival) were 1866–67—2,307,700; 1867–68—923,720; 1868–69—2,542,861; with a total deficit for the three years of 5,774,281, reduced to sterling. The year of equilibrium (Lord Mayo's first year) was 1869–70—108,779 (surplus in sterling). The years of surplus (after Lord Mayo's reforms) were 1870–71—1,359,410; 1871–72—2,863,836; 1872–73—1,616,888; with a total surplus for the three years of 5,840,134, reduced to sterling.—Sir W. W. Hunter, *Lord Mayo*, p. 140.

The decentralization plan of Lord Mayo is exhaustively discussed by Sir John Strachey in *Finances and Public Works of India*, 1869-81 (London, 1882), especially chap. ix, pp. 132–55.

In the course of the resolution he said in the twenty-third paragraph:

> But beyond all this there is a greater and wider object in view. Local interests, supervision, and care are necessary to success in the management of funds devoted to education, sanitation, medical charity, and local public works. The operation of this resolution in its full meaning and integrity will afford opportunities for the development of self-government, for strengthening municipal institutions, and for the association of natives and Europeans to a greater extent than heretofore in the administration of affairs.[1]

This paragraph, while in thought very similar to that contained in the resolution of the government of Lord Lawrence in 1864, in its tone is more frank in its declaration of policy. The motive back of both, however, was the same—primarily a desire for administrative efficiency rather than concession of self-government for its own sake. In the one the predominant idea was sanitation and police, in the latter it was financial reform, but in both the introduction of the non-official element was but a means to an end, and only an incidental feature of the whole scheme. The important difference between the programs of Lord Lawrence and of Lord Mayo was in their execution.

The effect of Lord Mayo's transformation in the financial system found its chief manifestation in the operation of the laws already in existence, but was also attended by the passage of new acts. Among these was the Madras Act of 1871.[2] This law authorized the governor in council to appoint not less than three property-owners or professional men or residents of a town to be its commissioners for a term of three years. The collector of the district and the revenue officer of the division were to be ex officio members. Not more than one-half the members were to be officials. The introduction of the system of election was left in the discretion of the governor in council which was authorized to enact such rules as it saw fit. The usual taxes on real estate, professions, and vehicles for the usual purposes of highway maintenance and education were authorized, but the police were to be provided for by the imperial government. Until 1878,[3] however, the elective system was not applied, but in that year as the result of the agitation over the Madras city act,

[1] P. Mukherji, *Indian Constitutional Documents*, p. 405; J. Goldsmid, "Questions of the Day in India," *Nineteenth Century Review*, XIII (1883), 741; Evelyn Baring, "Recent Events in India," *ibid.*, XIV, 579.

[2] This act is published in full in the *Acts of the Governor of Madras in Council*, 1871, Act III.

[3] John Crowdy, "Our Indian Empire," *British Almanac and Companion*, 1878, p. 74.

a limited right of electing members was extended as an experiment to ten towns.

In December, 1872, the chief secretary of Madras wrote regarding the working of the act of 1871:

> In the opinion of the government the experiment of establishing municipalities in the *mofussil* has been more than fairly successful. . . . . Though the bulk of the community would probably gladly forego the benefits they have received to escape the taxation, a not inconsiderable portion of the more educated classes are fully alive to the necessity of all that has been done. . . . . The unquestionable interest in the work displayed by many of the non-official members testifies to their appreciation of the part which has been assigned to them in the administration of the Act. . . . . Several years' experience has satisfied the government that the burden so imposed on the residents of the municipalities has been less unacceptable to them than if they had had no voice in the expenditure of funds.[1]

The effect of the new policy on the administration of the existing acts even before the passage of the new acts, was thus described in 1872 during the debate on the Punjab Municipalities Act by Mr. Robinson.

> The direction of municipal taxation has been enormously stimulated by the action enjoined by the late financial policy adopted by the government of India; and the increasing burdens thrown upon local governments and provinces have of course in part been shifted on to municipal bodies with powers and instructions in some cases to get all they can out of almost any source that can be devised.[2]

In the same year Mr. Dalyell, in discussing the Northwestern Provinces and Oudh measure of 1873, said:

> The decentralization scheme of 1870, though no doubt it had proved in many respects most beneficial to the general administration of the empire, had had the effect of giving a great impetus to local taxation of all descriptions, and this had resulted in some cases in considerably increasing the burdens on the poorer classes of the people.[3]

Sir Richard Temple[4] denied this, but only on the grounds that but a very small part of the population lived in towns.

The assassination of Lord Mayo on the Andamans in 1872 scarcely retarded the measures. Lord Northbrook (1872–76) vigorously pursued the same policy of retrenchment and exploitation of all possible sources of revenue.

[1] *Hindu* (weekly), Dec. 19, 1907, p. 23, col. 1.

[2] *Proceedings of the Legislative Council of the Governor-General of India*, XI (1872), 109.

[3] *Ibid.*, XII (1873), 212. [4] *Ibid.*, p. 224.

One of his first acts was the disallowance of a measure that was probably far in advance of the times but was very suggestive of what was to follow. In 1873,[1] Sir George Campbell, a man of most active mind and fiery energy who was at this time lieutenant governor of Bengal, had with much labor passed through his local legislature an ambitious and carefully elaborated scheme for rural municipalities, a measure to which he attached much importance. This bill Lord Northbrook, in pursuance of his determination to "stop the increase of local taxation as much as he could," decided to veto, having persuaded himself that the additional taxation involved was unnecessary and inadvisable and that the people were not yet fit for a compulsory rate for education or for the proposed reforms of village government, and that it would only provoke discontent.

In this connection some of Sir George Campbell's opinions are worth quoting.[2] Writing of Bengal in 1871–72, he remarked:

His impression was very strong that if educated gentlemen connected with various towns in various parts of the country are asked to give their assistance and time and labour for the public good, it is clear that we should entrust them with very considerable powers.

Municipal institutions were indigenous to the country and we might hope that in a country where those institutions were in full working order long before we had them in the British Isles, in a country in some respects that of their birth, such institutions might flourish and rapidly succeed.

Self-governing institutions were a very essential part in the very constitutions of the Aryan race. He did not agree in the argument that municipal institutions must be the precursor of free political institutions. He believed that human reason was so constituted that what was called patriotism and public spirit were the natural accompaniments and result of self-government. . . . . If you made a beginning of self-government, public spirit and patriotism would result. His object [as lieutenant governor] was to give municipalities real self-government and not to make them sham institutions [by subordinating them to the magistrates]. No effort should be wanting on his part to render municipalities self-governing bodies. He had nothing more at heart, believing that municipal government is the shape in which a measure of freedom may best be given to and exercised by the people of this country in the present stage of their national existence.

He would rather see a little done voluntarily by the people themselves through their representatives than a good deal done under pressure from above. . . . . "I hold," he said, "very earnest views on the subject of local self-government. I believe it is our duty to educate the people as far as in our

[1] B. Mallet, *Thomas George, Earl of Northbrook*, p. 88.

[2] "Local Self-Government in India," *Westminster Review*, CXXI (1884), 69–70.

power to govern themselves; I believe that the power and the habit of self-government must come from below upwards, and that it must come from municipal institutions first—going upwards to higher and larger institutions. . . . . I should myself be willing to run the risk of a check in improvements, feeling that the power of self-government is even more important than material improvement."

If you are gradually to bring the people to appreciate the system of self-government, to lead them to take an interest in their own affairs, they must have real and practical powers in their own affairs, and the greatest power of all being taxation, they must have real power in respect to taxation.

In 1873 Mr. Chapman quoted him as writing:

The lieutenant governor has always believed that while on the one hand the task of really governing India down to the villages and the people is too great for the British government, and on the other, anything like national political freedom is inconsistent with a foreign rule, we may best supplement our own deficiencies and give the people that measure of self-government and local freedom to which both their old traditions and their modern education alike point, by giving to towns and restoring to villages some sort of municipal or communal form of self-government.

Some years ago when chief commissioner of the Central Provinces he made a commencement of such a system in Nagpur and other towns. He has had that object especially at heart in these provinces, awakening as they are to a new light under the influence of the education which we have given to so many of the upper and middle classes. Seeing then, the very various and confusing nature of the municipal constitutions heretofore existing, the lieutenant governor has thought it very desirable to consolidate and systematize the whole law on the subject, ranging municipalities in different classes and prescribing a suitable constitution for each, in all of which the element of self-government might be largely infused. He has hoped that in this way the whole subject may come to be better understood, both by the officers of the government and by the people, and that the government may be enabled gradually to introduce the privileges and advantages of representative and elective institutions.[1]

The first of the municipal acts passed under Lord Northbrook was the one for the Punjab in 1873. Of it Mr. Barkley said the bill[2]

was required not so much to facilitate the development of local self-government in the towns of the Punjab, the more important of which have possessed it in some measure since 1862, as to remove doubts as to the extent of the powers of municipal bodies which have arisen from the imperfections of the law under

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XII (1873), 182.

[2] *Ibid.*, XXIII (1884), 190–91.

which they are at present constituted, and which have placed the committees in the unenviable position of not knowing accurately what they are legally competent to do and have thus hampered their action in some cases in which in the interests of the public it would have been desirable to leave them greater scope. These defects were probably unavoidable when the existing law was passed, as there had not been sufficient time to gain experience of the working of municipal institutions in the Punjab to admit of the framing of anything approaching a complete municipal code, and much had therefore to be left to by-laws to be made by the committees themselves, which can now be more satisfactorily provided for by substantive enactment.

At the same time as it was thought desirable to give municipal committees a more representative character and greater powers of initiative than they had hitherto possessed, the Bill dealt in greater detail than the existing law[1] with the constitution of municipal bodies, and it also became necessary to state more fully the powers of control necessarily reserved to government and its officers.

The preamble of the new law[2] explained that it was to provide for police conservancy, local improvements, and education in the towns of the Punjab, and for levying taxes in them. The committee in each town was to consist of not less than five members, who were to be appointed in such manner as the local government might prescribe. It was to have power to levy rates "subject to any general rules or special orders which the governor-general in council might make from time to time." After providing for the police from the municipal fund the committee should keep the public streets, roads, drains, tanks, and water courses of their town clean and in repair; should generally do all acts and things necessary for the construction, repair, and maintenance of local public works of general utility; and should also provide by the establishment of new schools and aiding those already existing "for the promotion of education." In general they were to make provision for promoting public health and safety, comfort and convenience of the municipality. The committee also had power to make by-laws for: (*a*) defining,

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XII (1873), 57. The act of 1867 had been passed with a time limit of five years because of the skepticism felt as to the advisability of intrusting such broad powers to the lieutenant governor, and objections raised to the use of the *octroi* for fear of its economic effects. The five years almost elapsed before anyone bethought himself of the five-year provision. In reply to a telegram the lieutenant governor asked blandly that the existing law be continued indefinitely. It was continued, but only for a year to give time for the passage of a new law. No time was lost and in 1873 a new act was passed. It was at first planned to pass a general consolidation measure for the whole north of India, but the idea was abandoned as not feasible in view of the varying conditions in the different localities.

[2] *Acts of the Governor-General of India in Council*, 1873, Act IV.

prohibiting, and abating nuisances; (*b*) regulating the detection and abatement of nuisances; (*c*) securing the proper registration of births and deaths; (*d*) carrying out all or any of the purposes of the act.

The rules[1] promulgated under the broad powers conferred by the act, divided the committees into three classes, of which the third was required to have its orders and proceedings confirmed by the deputy commissioner before they could take effect. Except in a few of the more important municipalities where a portion of the members were elected, all of the members of the municipal committees were nominated in the Punjab.

Though the law permitted the committees to be empowered to elect their chairmen, the rules enacted by the lieutenant governor in council made the deputy commissioner chairman of all the municipal committees in his district, and not until the early eighties were a few empowered to elect their own.

In 1873[2] there were only 125 municipalities. In 1874, under the new act 63 were added. By 1881[3] municipalities had been established in 195 of the 238 existing towns with a population of over five thousand. By 1883, when the new act resulting from Lord Ripon's concessions was under consideration, there were 202 municipalities. Only twelve had a population of over twenty-five thousand, and three of these were the great cities of Delhi, Lahore, and Amritsar. Sixty-nine[4] per cent of the old municipalities in small towns established by executive order were brought under this act. In the rest the municipal form of taxation was replaced by the *chaukidari* system. This reversion to dependence on the village punchayets or governing councils (nominally supposed to consist of five elders) was possible because many municipalities[5] in the Punjab were simply large agricultural villages with little or no artisan population.

In 1873 a new municipal act was also passed for the Northwestern Provinces and Oudh.[6] The chief reason was that Oudh, to which the Punjab act had been extended, was on the verge of being without a law because of the expiration of the one-year extension of the five-year limitation on the Punjab Act of 1867. Instead of including Oudh with the Punjab in the new act, it was thought to be more similar in features

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (1883), 527.

[2] *Ibid.*, XXIII (1884), 191.

[3] *Ibid.*

[4] *Ibid.*, p. 224.

[5] *Ibid.*, p. 191.

[6] *Ibid.*, XII, 208.

to the Northwestern Provinces and it was therefore included with them in the new act. In its provisions this act was similar to the previous one for the Northwestern Provinces.[1]

Under the act of 1873,[2] there were by 1883 in the Northwestern Provinces 109 municipalities with a total population slightly in excess of three millions. Members of the municipal committees were appointed in some places by election only, in others by nomination only, and in others again by election and nomination combined. The principle of election had been put into operation in 73 municipalities. There were 438 ex officio members, as against 1,022 nominated or chosen by election.[3] An income of Rs 2,330,837 was raised by taxation, of which 88 per cent was derived from *octroi* duties and the average incidence of taxation per head was 12 annas.

As for the general working of the municipalities, Mr. Quinton[4] in the course of the debate of the Northwestern Provinces and Oudh Municipal Act of 1884, said:

> Anyone conversant with the conditions of the towns and cities of upper India twenty-five years ago who compares it with their present state must admit that the improvement effected by municipal administration in matters affecting the public health, safety, and convenience is immense.
>
> I may perhaps be permitted to mention the cities of Lucknow, Allahabad, and Cawnpore of which I have personal knowledge, and in the two former of which a considerable portion of my official life has been spent. These cities are now distinguished by wide and handsome streets, excellent roads, comparatively good drainage, which is daily improving, and efficient conservancy, all brought about by municipal committees in whose proceedings some of the leading and more intelligent citizens took an active part.
>
> In Lucknow, my friend Nazim Agha Ali Khan Bahadur, commonly known as the Aga Sahib, and the late Daroga Wajid Ali, so conspicuous for his loyal services to the British government during the mutiny, interested themselves above others in municipal affairs, and rendered invaluable assistance in municipal administration.
>
> Similar public spirit to that manifested by these gentlemen and others was not universal and the system under which the satisfactory results I have

[1] Published in full in the *Acts of the Governor-General of India in Council*, 1873, Act XV (Nov. 21, 1873).

[2] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (1883), 549.

[3] Sir Evelyn Baring, "Recent Events in India," *Nineteenth Century Review*, XIV (1883), 581.

[4] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (1883), 549–50.

just alluded to were obtained depended largely for success in the first instance on the presence on the committees of *ex officio* members. The number, however, of non-official residents of towns and cities who evince an intelligent interest in municipal business has been gradually increasing and it is believed that the time has now come when the co-operation of officials on most municipal boards is no longer needed.

The expiration of the extension of the five-year limitation also necessitated some action in regard to the Central Provinces[1] in which it had been extended to some dozen towns. It was finally decided to introduce a separate act. The law was modelled closely on the Punjab Act of 1873 without any important variations.

The chief interest on the law centered about a vigorous effort during the debate to secure a promise from the government that it would pass a general law applicable to all India in place of the separate measures. The proposal was defeated on the grounds principally that such a law would be unworkable even if, as proposed, municipalities were classified into groups of similar towns, and special general provisions made for each type.

The Central Provinces Municipal Act of 1873,[2]

was drawn in a manner which left much to the discretion of the local government in the way of introducing popular election of members and leaving the committees free from direct official interference. Sir John Morris, the chief commissioner, was very favorable to the growth of popular institutions; so that when Lord Ripon took up the matter in 1881 he found that the system of popular election had been established in 60 out of 61 municipalities in the Central Provinces.[3]

He [Sir John Morris] was able to point to certain municipalities as being especially distinguished for excellent work. Year after year they had been commended for the energy and good sense displayed in the discharge of their duties, for their administrative capacity, and for the improvements they had effected. These were notably not the municipalities, where the deputy commissioner . . . . was the source of all activity. The best work was done by the committees of outlying stations where there is no resident deputy commissioner, or of large stations where his other numerous and arduous duties had compelled him to leave most of the work to the members themselves.

[1] Published in full in the *Acts of the Governor-General of India in Council*, 1873, Act XI (July 24, 1873); see also *Proceedings of the Legislative Council of the Governor-General of India*, XII, 177–78.

[2] A. H. L. Fraser, "Local Self-Government in the Central Provinces of India," *Fortnightly Review*, XLV (May–June, 1886), 240.

[3] Sir Evelyn Baring gave the figures as 58 out of 62, *loc. cit.*

In Bombay also, 1873,[1] a new act was passed for the municipalities. Its chief feature was the effort made to adapt the principle of municipal government to the province and make it more popular by dividing the municipalities into city and town municipalities on the basis of population. The dividing line was drawn at ten thousand inhabitants. In the cities this act (VI of 1873) provided that the executive power should be intrusted to the municipal commissioners as a body, and in towns to a president, vice-president, and chairman. This distinction did not work well and was abolished in the act of 1884 (No. III). The act of 1901 (also No. III), however, restored it. The other chief change inaugurated by the act of 1873[2] was in the size of the body of commissioners. The town municipalities were restricted by a limit of twelve to the number of non-official appointees, who must comprise at least half the membership. The elective franchise was permitted to be granted to city and town municipalities where the residents showed sufficient public spirit to justify the measure. As a matter of fact, however, under none of the Bombay[3] acts was the elective principle introduced prior to Ripon's reforms, outside of the city of Bombay itself. In 1882 the control of local elementary education was given to the municipalities.

The year 1874[4] saw municipal government also provided for in Burma. In 1861 a bill had been introduced into the old Imperial Legislative Council to extend the Municipal Act of 1850, and the Town Police Act (No. XX) of 1856 to the towns of Maulmein, Rangoon, Tavoy, and Mergui, in Burma. The measure had, however, died with the old Legislative Council.

In 1874[5] a new law was finally passed. In general it was patterned after the model of the elaborate Bengal Act of 1873, which had been disallowed, but it lacked the radical features of that measure. It gave the power of establishing municipal committees into the hands of the chief commissioner, subject to protest of the townspeople upon the publication of the notice of intention to introduce the system. The chief commissioner could, however, override the protest. The committees were to consist of at least three members who were subject to

[1] W. W. Hunter, *Imperial Gazetteer of India*, VIII, 365.

[2] This act is published in full in the *Bombay Code*, 1880, pp. 430 *et seq.*

[3] Sir Evelyn Baring, *loc. cit.*

[4] *Proceedings of the Legislative Council of the Governor-General of India*, VII (1861), cols. 22, 27, 37, 38, 39, 142, 244, 410.

[5] This law is published in full in the *Acts of the Governor-General of India in Council*, 1874, Act VII (March 24, 1874).

removal by the chief commissioner. Three-fifths were to be non-officials. They were to be appointed or elected as the chief commissioner might direct. The law went into considerable detail as to procedure, the method of levying taxes, particularly the house tax. Other taxes were the carriage tax, license fees for markets, wharves, and slaughter houses. A special house rate was authorized for lighting and for water. As a matter of fact,[1] under this act the members of the municipal committees were appointed in every place except Rangoon and Maulmein, where the elective system was introduced early in the eighties. After the disallowance of the measure of 1873, it was not until 1876 that a new measure was passed for Bengal. This act was a consolidation of the District Municipalities Improvement Act of 1864 and the District Towns Act of 1868.

The act[2] made elaborate provision for the conduct of the municipality. It divided them into two classes on the basis of population. Those with a population of over fifteen thousand with a density of two thousand or over per square mile were placed in class one. In the second class were those municipalities which the magistrate certified that three-quarters of the population were engaged in non-agricultural pursuits, and the density of population was over one thousand to the square mile. With these restrictions the lieutenant governor was given the power to extend the act by simple notification in the official gazette. In each municipality so instituted he was to appoint commissioners, not less than seven or more than thirty in those of the first class and not less than four or more than twenty in those of the second. Not more than one-fourth of the commissioners were to be officials.

Upon the petition of a third of the rate-payers the lieutenant governor might introduce the elective system under such rules as he should think fit. The magistrate of the district and of the division, together with the district medical officer, were to be ex officio commissioners. Unless the lieutenant governor made special provision, the magistrate in charge was to be ex officio chairman. The commissioners were, however, to elect their own vice-chairman subject to the approval of the lieutenant governor.

The expenditures incurred by the municipalities were restricted first of all to the police, second to the interest on municipal debts, and third

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (1883), 514.

[2] This act is published in full in the *Acts of the Legislative Council of the Lieutenant Governor of Bengal* (1876), Act V.

to the upkeep of the municipal establishment. Any balance then remaining might be expended for (*a*) the construction and improvement of roads, bridges, embankments, squares, gardens, tanks, ghats, wharves, jetties, wells, channels, drains, privies, latrines, and urinals; (*b*) the supply of water, and the lighting and watering of roads; (*c*) the erection and maintenance of offices, police stations, and other buildings required for municipal purposes; (*d*) other works of public utility calculated to promote the health, comfort, or convenience of the inhabitants; (*e*) the construction and repair of schoolhouses and the establishment and maintenance of schools, either wholly or by means of grants in aid; (*f*) the establishment and maintenance of hospitals and dispensaries; and the promotion of vaccination. Elaborate stipulations were made for the assessment and collection of the taxes, which were limited to two principal levies—a tax on buildings and one on land holdings—supplemented by a tax on carriages, on horses and other animals, a registration fee for carts, tolls on ferries, bridges, and metalled roads. The commissioners were closely supervised in their accounts. The elective principle, however, was as a matter of fact only introduced into three municipalities in Bengal outside of Calcutta.[1]

In reality all of these municipal acts of both the sixties and seventies were official control masquerading in places under the robes of elections, but this fact does not by any means imply that they were due to illiberality on the part of the English government. It is true that with some few exceptions the tone of the debates does not indicate any great eagerness to accord self-government as anything more than a sanitary, police, or financial measure, and but little more than lip approval to the doctrine of the desirability of popular control and self-government. On the other hand, almost without exception, they were experienced administrators and clearly conscious of the obstacles in the way of the development of self-government. Whatever idealism they cherished was strictly constrained by a realization of the actual conditions. They knew the antipathy of the natives to change, their indifference to sanitation, and their lack of anything approaching civic spirit, and the seriousness to their caste and religious cleavages.[2]

[1] Sir Evelyn Baring, *loc. cit.*

[2] As Mr. Maine said in the course of the debate on the Municipal Act for the Northwestern Provinces in 1868:

He knew little personally of the Northwest but he did know that in some of the Northwestern cities Hindus and Mohammedans were mixed together and it was all

What the natives themselves thought of the measure is indicated by the remarks of the two princes who participated in the debates. The Maharaja of Vizinagram said,

I do think that wherever the municipal committees have been formed they have been the means of doing much good, as I can say from my own experience in my own country in Northern Circars, Benares, Madras and other places. Now for instance in Benares the features of that city are formed in such a way that it is indeed one of the most difficult places to introduce municipal committees and to make those useful and healthy rules and reforms for the benefit of that city. For the last many years, or I should say ever since the municipality has been introduced into Benares, the local government has exerted itself in a praiseworthy manner but in most of the other places in India the features of the country do not require any amount of such extra labor for establishing municipalities. Now, my Lord, generally speaking the natives of India have shown and still show to a great extent antipathy, let that innovation be however healthy and beneficial to the places where such municipalities are proposed to be established, and where such municipalities have been established.[1]

The opinion of Raja Thakua[2] was more concise and indicates a suggestive attitude toward the government.

He found from the draft of the Bill in his hands [the Northwestern Provinces Act of 1873] that the taxes and municipal rules and regulations for the conservancy were left subject to the approval of the local government. If that were the case, he was convinced that the committee if they were inclined to do any mischief would not be able to do it because the government, who was the protector of the people, would prevent the committee from doing any mischief.

It must also be borne in mind that in all these laws not only were the concessions in the way of native control in reality small, but the

PROPORTION OF MUNICIPAL POPULATION TO THE TOTAL POPULATION

	Per Cent
Bengal (exclusive of Calcutta and suburbs)	$3\frac{5}{8}$
Northwestern Provinces	11
Oudh	5
Madras	3
Punjab	12
Central Provinces	8
Bombay (exclusive of Bombay and Karachi)	$10\frac{1}{2}$

that the administrative skill and vigor of English officials could do to keep peace between them.—*Proceedings of the Legislative Council of the Governor-General of India*, VII (1868), 127–28.

[1] *Ibid.*, XII (1873), 228. [2] *Ibid.*, p. 228.

proportion of the population which enjoyed even these was insignificant, as the table for 1873, on page 75, indicates.[1]

Another and more independent native estimation of the sincerity of the municipal measures is as follows:[2]

The theory of the thing is that municipal administration is synonymous with self-government, that the municipality is required to meet certain charges for which it raises its own revenue, and that the fullest discretion being left to it for regulating the revenue to be raised, such taxation ought not to be distasteful. The principle inculcated is of course a wholesome one, but viewed in connection with the actual state of things in the country is but a blind. The people at present are not prepared for self-government, and in point of fact there is no self-government among them—except to a very partial extent in some of the more important metropolitan towns. In all other places the scheme works wholly as a sham, and is accepted by the people as such having been set up as they say for the express purpose of getting money out of their pockets on the pretence that they pay it of their own accord. Actually they do not pay it willingly. They pay it simply at the dictation of the official members of the municipal committees, and this is very well known to the government. Sir George Campbell in his taxation report to the government of India mentioned it as a fact that the rate of municipal taxation was higher in those places where the non-official members took the largest share in the administration than where the municipality was mainly administered by the officers of the government. The instances cited were those of Calcutta, Howrah, and Dacca; but he very well knew that in all those places the great bulk of the non-official members are merely cyphers, or as they have since been named by the local press, *ap-ke-wasta* [that is, voting with the president or chairman] members, having no opinion of their own apart from that of their president or leader. This can be recognized as self-government only by giving that expression a very great latitude of meaning.

What this system of so-called self-government has led to is the imposition of a series of taxes, tolls, and imposts which were unknown before, and which every man—even every member of a municipal corporation—grumbles at.

The visit of the tax-gatherer which is irritating to all people in all places is especially so in a country where till now it was unknown in its frequency. The Bengal Municipalities Act has been paraded by its authors as the first instalment of self-government conceded to the people; but the people are not thankful for the concession, they smart under the exactions it has introduced; and if the long list of possible taxes imposable at the discretion of the municipalities were known, the alarm would be yet greater for all the self-government implied by their existence. The question whether the concession of self-government or the fitness for it should precede is rather an awkward one to raise at this moment. A move in the right direction ought always to fructify; but to be in the right direction it ought to be right minded.

[1] *Proceedings of the Legislative Council of the Governor-General of India*, VII (1868), 220.

[2] S. Chunder Dutt, "Taxation in India," *Fraser's Magazine*, XCIV (July–Dec., 1876), 316–17.

CHAPTER VI

REFORMS OF LORD RIPON, 1881–85

The preliminaries of Lord Ripon's reforms
- Degree of the development of self-government in 1881
- The restlessness in India
  - Factors
    - The Suez Canal
    - The press
      - Its growth
      - Anti-British tendencies
    - Education and the appearance of an educated class

The liberal victory and the arrival of Lord Ripon
Conditions confronting Lord Ripon
- Deficit
- Famine
- Restlessness

Policy adopted by Lord Ripon—concessions to and guidance of native aspirations
Lord Ripon's explanation of the occasion for the reforms
- Necessity of native help in the government

The resolution of May 18, 1882
Reception of the proposals
- English opinion
  - Skepticism on the general principle
  - Fear of effect on the government, especially the district officer
  - Approval and hopes

The year 1878, in which the Madras act was passed, closes a period in the development of self-government in India. Lytton's imbroglio in Afghanistan rang down the curtain of an act in India's drama. He left the stage set for a manifestation of a new spirit in the Indian government and among the Indian peoples.

So far the development of self-government, aside from the admission of selected natives to the legislative councils had been in the municipalities. In them it was a matter of administrative and financial expediency unmixed with any considerable thought of political development.

Any idea of the Indians becoming really political factors does not seem to have existed. There was plenty of lip service to the political

potentialities of Indians, but when it came to actualities, the district officer's hand was really never off the helm, and usually he was rather in the position of giving a practical exhibition of how to handle the ship before a more or less carefully selected group in the pilot house.

Thus the political events of India and the world at large after the mutiny had impinged but little upon the municipalities, for the natives were ignorant of and indifferent to what was transpiring beyond their exceedingly restricted horizon.

For some years, however, powerful influences had been at work. Chief among these was education, and contributing to it were the press and the Suez Canal.

The Suez Canal was completed in 1869, and it soon brought India within the influence of Europe by enabling the officials who governed her to return more frequently to Europe and by enormously stimulating commercial intercourse. India was thus brought more and more within the purview of the people of England, and English tourists and visitors to India became more and more frequent, especially as the steamship became more and more perfected.

These first stirrings of native opinion as expressed by their vernacular press became increasingly noticeable during the seventies and were not relished by the government. It was not believed that they represented in any way the masses,[1] but the English rulers were none the less somewhat perturbed, and there was an uneasiness even as far as England, where its significance was discussed to a slight extent.[2]

[1] Thornton, during the debate on the Press Law of 1878, said:

I can confidently assert that the writers or editors of the disloyal articles of which we complain no more represent the real feelings of the people of India than Doctor Kenealy may be said to represent the true sentiments of Englishmen. My experience is to the effect that they are for the most part disappointed ex-employees of the government, broken down vakils, disappointed candidates for government service or ex-*élèves* of government institutions who, after having been educated by the state at an enormous cost, are indignant because at the close of their academical career they have not been presented instanter with a lucrative government appointment.—*Proceedings of the Legislative Council of the Governor-General of India*, XVII (1878), 165.

Maharaja Jolindra Mohan Tagore added his voice in corroboration, and repudiated on behalf of the educated native all sympathy with the scurrilous press.—*Ibid.*, p. 167.

[2] The press was no new feature in India. The first paper was the *Bengali Gazette*, better known as *Hickey's Gazette*. This was established in 1780 at Calcutta. The scurrility of its articles was notorious, attacking everything from Warren Hastings to the missionaries and young women just arrived for the marriage mart. An attempt was finally made to assassinate Mr. Hickey, and the paper disappeared soon afterward.

The *Bengali Gazette* was followed in November of the same year in which it was founded (1870) by the *Indian Gazette* and in 1794 by the *Indian World*. William Duane,

One of the opinions is suggestive and still largely true. It ran:

There are, however, two peculiarities of the country to be considered, if we would estimate aright the influence of the Indian press, as compared with that of other countries; the first is, the enormous number of persons who read [or get read to them] each copy of an Indian paper; the second is, the comparatively small number of individuals among all these vast populations whose opinions are of any political importance as the leaders of the masses. With regard to the first point, it must be remembered that each copy of an Indian paper will circulate for a much longer time, and with a much wider range, than any paper would in Europe. The date of a paper goes for nothing among the Hindus, and it continues to be read as long as it holds together. It may safely be said that if a single copy reaches a village, or even a large collection of villages, its contents will sooner or later become known to nearly every man residing in the neighborhood. And with regard to the second point, the vernacular papers are universally read by every chief, and by every high official and the other great men, in every one of the 460 native states in India; they are read by all the innumerable native employees of our administration, by the students and teachers in all our thousands of schools and colleges, and by a very large proportion of the great landed proprietors and rich merchants and bankers throughout the country.

These are the classes by whom the vernacular press is studied, and whose opinions it to some extent influences, as a matter of course; and it cannot be doubted that through these classes it filters down to and largely influences, for good or for evil, a very considerable fraction of the masses of the people. . . . .[1]

No echoes of the utterances of the native papers can reach them [the officials] unless sought out in the discharge of sacred duty, for the vernacular

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the Irish-American editor of the latter paper, was summarily arrested and deported without trial. These were all Calcutta newspapers and printed in English.

In Bombay the English press began its activities in 1789 in the shape of the *Bombay Herald*. In Madras there were before 1817 three English newspapers.

The vernacular press was much later in starting. It was begun by the missionaries and almost down to the mutiny confined itself to religious subjects. It was not, however, until the decade 1870–80 that the activities of the native press gave much concern to the government.

It was the English press itself that monopolized the attention of the authorities in the earlier years. Since the repeal in 1858 by Canning of the emergency gagging act of the mutiny it too had been without restraint. G. P. Pillai, "The Origin and Growth of the Press in India," *Imperial and Asiatic Quarterly Review*, 3d Ser., VII (1899), 16–38.

[1] L. Roper, "The Vernacular Press of India," *Contemporary Review*, XXXVII (Jan.–June, 1880), 462–63.

press is absolutely unknown to Englishmen in India except to officials who read it as a matter of duty, and perhaps to a few professors and missionaries.[1]

During the decade of 1870–80 the vernacular press underwent an extensive development in numbers[2] and radically altered its tone.[3]

[1] L. Roper, *op. cit.*, p. 468.

[2] The following are a few figures illustrative of the growth of the vernacular press of India. In North India there were 28 vernacular papers published in 1850; in 1878 there were 97. In Lower Bengal in 1850, 16 papers; in 1878, 39. There were 41 in the Northwestern Provinces and 34 in Punjab. In 1880 there were in all India some 230 native newspapers. Of these 100 were printed in Urdu; 45 in Marathi; 40 in Bengali; and 30 in Gujarathi. The largest circulation however was only 5,000. The total circulation was about 150,000.

The relative numbers of the English and vernacular papers and their distribution in 1875 is shown by the following table. These figures represent the conditions

Province	English	Vernacular	English and Vernacular
Bombay	35	62	21
Madras	36	23	25
Bengal	35	59	5
Northwestern Provinces	9	59	5
Punjab	10	30	1
Oudh	4	7	8
Central Provinces	3	4	2
Burma	14	5	.....
Sind	9	3	1
Rajputania	.....	2	1
Totals	155	254	69

before Lytton's vernacular press act, and a comparison of the totals with those just above indicates its effect.—*Contemporary Review*, XXXVII (1880), 461–62; G. P. Pillai, *op. cit.*, p. 34.

[3] *a*) Sir Ashley Eden, as lieutenant governor of Bengal (1877–82) said in Council:

The evil has long been felt by the government of Bengal, and I believe by nearly all the other local governments. . . . . What government does object to is the sedition and gross disloyalty of some of the vernacular papers, and their attempts to sow the seeds of disaffection to the British rule in the minds of ignorant people.—S. M. Mitra, "Analysis of Indian Unrest," *Fortnightly Review*, XCV (1911), 145.

b) Sir Richard Temple, whose cue it was to describe the Bengalis as loyal, wrote in the *Administration Reports* for 1874–75 and 1875–76 of the leanings of the vernacular press toward "political observations of an evil tendency," of the increasing disposition to complain of everything which exists, and he wrote, after his retirement:

This uneasiness and restlessness—all the more irksome as arising from no definable cause, and not being susceptible of any specific remedy—found vent in the vernacular press. Of these utterances some were certainly disloyal, or even worse, while others were merely captious, peevish, fractious, petulant.—*Ibid.*, cited from Sir R. Temple, *Men and Events of My Time in India* (1882), p. 432.

c) Even Sir George Campbell, the liberal lieutenant governor of Bengal 1871–74, wrote, "We were a good deal troubled by abusive and sometimes seditious

This change led during the Afghan trouble to the passage of a native press bill.[1]

The reasons for this act were best expressed in its preamble:[2]

WHEREAS, Certain publications[3] in Oriental languages printed or circulated in British India have of late contained matter likely to exact disaffection to the government established by law in British India or antipathy between persons

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attacks on the governing powers."—S. M. Mitra, *op. cit.*, cited from Sir C. E. Bernard, *Memories of My Indian Career*, II (1893), 314–15.

d) Sir Arbuthnot in the course of the debate on the press bill said,

The native press includes many respectable papers . . . . entitled to every encouragement. . . . . But there is also a large and increasing class of native newspapers which would seem to exist only for the sake of spreading seditious principles, of bringing the government and its European officers into contempt and of exciting antagonism between the governing race and the people of the country. This description of writing is not of recent growth but there has been a marked increase in it of late and especially during the last three or four years. During the past twelve months it has been worse than ever, the writers gaining in boldness as they find that their writings are allowed to pass unpunished.—*Proceedings of the Legislative Council of the Governor-General of India*, XVII (1878), 148.

[1] *Acts of the Legislative Council of the Governor-General of India*, 1878, Act IX (March 14, 1878). The law itself read:

SECTION 3. Any magistrate of district or commissioner of police in a presidency town within the local limits of whose jurisdiction any newspaper is printed, may with previous sanction of the local government and subject to provisions of Section 5 call upon the printer and publisher of such newspaper to enter into a joint and several bond, ... binding themselves . . . . in such sum as the local government thinks fit, not to; (*a*) print or publish in such newspaper any words, signs, or visible representations likely to excite disaffection to the government established by law in British India, or antipathy between any persons of different races, castes, religions, or sects in British India; or (*b*) use or attempt to use such paper for purposes of putting any person in fear, or causing annoyance to him, and thereby inducing him to deliver to any person anything signed or sealed which may be converted into a valuable security or to give any gratification to any person; or for the purpose of holding out any threat of injury to a public servant or to any person in whom they or he believe or believes that public servant to be interested and thereby inducing that public servant to do any act connected with the exercise of his public functions.

[2] *Ibid., loc. cit.*

[3] The character of the press in the estimation of the government is illustrated by the following selection from the debate on the bill. Sir Arbuthnot said:

Their principal topics are the injustice and tyranny of the British government, its utter want of consideration toward its native subjects, and the insolence and pride of Englishmen in India, both official and non-official. There is no crime, however heinous and no meanness however vile which according to these writers is not habitually practiced by their English rulers. According to them, "The government is not a just, but a monstrous government. As monsters are said to eat their own children, the English government is destroying its own children—its subjects. . . . . Avarice, frugality, and cunning characterize all the acts and measures of Englishmen. Their rulers violate with pleasure the laws and regulations which they have enacted. The British government is continually breaking its promises. A history of the non-fulfillment of promises by the British government would be the history of the last one hundred and fifty years. One of the objects of the

of different races, castes, religions, or sects in British India or have been used as means of intimation or extortion; and

WHEREAS, Such publications are read by and disseminated amongst large numbers of ignorant and unintelligent persons and are thus likely to have an influence which they otherwise would not possess; and

WHEREAS, It is accordingly necessary for the maintenance of public tranquillity and for the security of Her Majesty's subjects and others to confer on the executive government power to control the printing and circulation of such publications. . . . .

English authorities in maintaining and enhancing the salt tax is to enable their own countrymen to import English salt into this country and to enrich them at the cost of the natives."

One writer ironically affirms that "neither the laws of nature nor the civil laws of India provide any punishment for those Europeans who kill natives. The laws of nature ascribe such fatal incidents to destiny and the civil laws are helpless because Europeans are the dominant race." "All laws are applicable to natives alone and not to Europeans. Europeans are enabled to kill natives with perfect impunity." "Of those diseases which prove fatal one is the European plague which is daily spreading over the country and for which no remedy has yet been found. We refer to the readiness of Europeans to assault and sometimes murder natives. . . . ."—*Proceedings of the Legislative Council of the Governor-General of India*, XVII (1878), 149.

Lord Lytton added the following:

One typical specimen of the art of allegorical calumny . . . . in the *Sulabha Samachar* which has the largest circulation [about five thousand] of any vernacular paper in India, the Macgregor trial was travested in an article . . . . [on December 29]. The prisoner is named Mr. Rogue of the factory at Kritantapur [the city of death]; the doctor whose evidence saves him from hanging is Dr. Brile; and after the conclusion of the mock trial, the judge, the doctor, and Mr. Rogue dine together and afterwards go a-hunting. . . . .

Both in Bengal and in Bombay the worst inferences are generally concealed in the form of innuendoes, for example a mighty and widespread conflagration is often preceded by common smoke, the English, proud of the power of their bayonets, tread on the heads of the whole Indian population and 25,000 Englishmen are ruling 250,000,000 natives; but the conclusion is wisely left to the imagination. . . . .

In another place it says:

"Englishmen speak of the decline of the military power and loss of their prestage as a nation. . . . ." After declaring that "England has become enervated from too much addiction to luxury and therefore is unwilling to encounter Russia in the field, instances Alexander, Caesar, and Napoleon Bonaparte as examples that those who have attained the imperial dignity have come to a disastrous end . . . . and prophesies the same result will follow the Imperial Assemblage at Delhi."

The *Koran* of Bombay: "England has been showing thorough effeminateness from the beginning of this war, that a sharp communication from Russia was sufficient to cool its spirit, that England has never been famous for heroism. According to popular belief it owes its great Indian Empire more to diplomacy and craftiness than to bravery, goes on to say that England yielding to the mere appearance of Russia, her inactivity makes the natives of India very uneasy about their own safety. . . . . As soon as Russia gains a footing in India, the English will have no alternative than to flee for their lives."

Arya Warta follows the negative plan. . . . .

If we were to write that the Englishmen in India are very few, though the natives are not brave, but weak and unarmed, yet if they wish they can blow away the English

The scheme of the measure[1] was to permit any district magistrate or commissioner of police in a presidency town with the previous sanction of the local government to require the printer or publisher to give bond that he would not print articles tending to rouse race feeling and disaffection, or use his paper for the purpose of blackmail.[2]

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even by their breath, and so to advise the natives to unite and drive the English out of the country, this advice would be "pernicious to us," and "treasonable."

Malwa Akbar of Indor, capital of Mahratta

gives as a rumor that has perceptibly affected trade and the money market, that Nana Saheb is about to invade India with a Russian army and will establish once more the dominions of the Peshwas through the auspices of the Czar, Satara, Baroda, Nagpur, Jhansi, etc. being formed into feudatory kingdoms acknowledge the suzerainty of the Peshwa. . . . .

Later the same paper said:

The main object of the English in this country consists in wheedling the people out of their money by all manner of tricks. . . . .

A belief has lately grown up in the minds of natives that native rule has many advantages: the Hindus have begun to think the Mussulmans to be natives. The English will not be able to resist the progress of Russian arms in India. Our English military officers now think fighting to be a great sin.—*Ibid.*, pp. 178–79.

[1] G. P. Pillai, *op. cit.*, p. 16. In brief, the history of the censorship of the press in India prior to Lord Lytton's régime is shown in the following chronology:

1780–1799—The press in embryonic stage. Regulation largely informal and arbitrary.

1799–1818—Severe censorship, due in part to the exigencies of wars with France and native states.

1818–1835—The wars were terminated. The censorship was relaxed but certain restrictions were retained.

1835–1857—Lord Metcalfe in 1835 removed the last restrictions from the press, giving from then on absolute freedom of the press.

1857–1878—During the mutiny a Gagging Act was passed restricting the press, but Canning repealed it in 1858 again leaving the press unrestrained until Lord Lytton's act of 1878, which was repealed by Lord Ripon in 1882.

[2] *Proceedings of the Legislative Council of the Governor-General of India*, XVII (1878), 183. The occidental finds it somewhat difficult to appreciate the blackmail provisions of the law. Lord Lytton thus described the practice:

To natives of distinction the publicity of newspaper abuse is probably far more galling and intolerable than it is to any class of Europeans, and a native would be very unwilling to add to this publicity by going into the court and suing his libeller. Cases are also rarely noticed by translators. . . . . A native gentleman of high position writing to us from Peshwar complained that the editors of certain vernacular papers habitually attack the character of innocent people who cannot afford to satisfy their cupidity. They force people to subscribe to their papers and write against those who refuse to comply with their request. Rajas . . . . and chiefs dread him [the editor] under the impression that he may write against them as he did against their compeers. They therefore subscribe to his newspapers and assign him an annual sum of money. The editor calls over each year to each state, receives money, khilats and sumptuous meals and comes back.

The practice was also used to intimidate native judges and magistrates and affected native officers.

The growth of the press was only a manifestation of the appearance of the educated class that supported and edited the papers. Their development was a feature of the decade of the seventies. The universities of[1] Calcutta, Bombay, and Madras had been established as examining bodies for the various colleges in which the actual instruction was carried out, and the graduates, almost entirely Hindus and largely Brahmins, had been issuing from their examination halls in steadily increasing numbers.[2]

Indian education is a story by itself, but a few of its most important features must be considered, for of all the influences at work in developing self-government in India it is probably the most important. By tradition and religion the Hindus were inclined to the literary type of education.[3] This tendency was strengthened by the theory and practice of England's own system of education. As a result, the requirements

[1] "Ripon's Edinborough Speech," *Voice of India*, III (Dec., 1885), iii. In 1857 the three universities of Calcutta, Madras, and Bombay were incorporated by act of the Indian Legislature; the fourth university, that of the Punjab, was added to them in 1882. The constitution of these bodies was mainly modelled on that of the London University, and their function is that of examination, not of instruction. In the ten years from 1873–74 to 1882–83, 23,472 persons passed the matriculation of the three older universities.

Below the universities stood a numerous body of colleges and secondary schools, numbering in all in 1881–82 59 colleges, and 3,916 schools, with an attendance of 5,299 students in the colleges and 214,077 pupils in the secondary schools.

At the bottom of the educational ladder were the primary schools which numbered in 1881–82, 82,916, with an attendance of 2,061,541 pupils.

[2] J. Kennedy, "Indian Educational Policy," *Imperial and Asiatic Quarterly Review*, 3d Ser., XIX (1905), 3. This class, however, was relatively but a microscopic one. For ages learning in India had been the much-prized privilege of the few, a monopoly of the Brahmins, not the common heritage of the masses.

The educational policy of the government followed the same groove, and the stress had been laid on the higher education, with relative neglect of the primary, partly because of the appalling expense and practical impossibility of the task in a poverty-stricken continent with the immensity of population possessed by India; partly, too, because the immediate need of the government was for the more highly educated to aid in the work of administration; and partly because it harmonized with the native practice. In fact little was done for primary education before 1872, and by 1882 there were only 82,916 schools with 2,000,000 pupils in a population of nearly two hundred millions.

The effect of this policy was to create a highly educated but numerically imperceptible intelligentsia, chafing and restless amid a vast, inert, unaware mass of illiterates.

[3] Both the Hindus and Mohammedans had well-developed and established systems of education. In many cases they did not go beyond the three "R's," but in both there were higher levels, especially in grammar, rhetoric, logic, theology,

for degrees produced men fitted only to be government clerks, teachers, or lawyers. Western education did not appeal to the Mohammedans who clung to the Persian language and the Koran. Consequently the Hindus until recently have monopolized the education, and by virtue of the requirement of a university degree for the higher grades of the public service, almost eliminated the Moslems from that sphere. Government service could not, by any means, however, absorb all the output of the colleges, and many were forced to turn to journalism for a livelihood or drag out an impecunious discontented life without any particular vocation. Naturally in many cases their disappointment engendered bitterness which very often became focussed on the government. Thus it was that a class came into being ready to criticize, to agitate, and to lead in any movement against the English raj.[1]

The sentiment was still further intensified by the subjects which the government with sublime confidence in its own culture and marvellous recklessness of consequences prescribed for its Indian

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metaphysics, literature, jurisprudence, and science among the Mohammedans, and among the Hindus in sanscrit, grammar, logic, philosophy, and law.

Both systems were private and charity supported, and in this respect in entire accord with the English practice. Warren Hastings, however, in 1782 founded the Calcutta Madrasa for Mohammedans, and in 1791 the Benares College for Hindus was established. These and similar institutions were devoted to oriental languages.

The most powerful single force in developing Indian education along occidental lines has undoubtedly been the missionaries. First on the field were the Jesuits, but their system fell away with the decline of Portugal. The earliest of the Protestant institutions were begun by the Baptists. In 1818 Cary and his fellows founded the Serampore College. In 1820 a college was established in Calcutta, and others followed. Dr. Duff was a powerful personal factor in the growth of the sectarian colleges.

The impelling motive of the missionaries was religious but it was powerfully assisted by the desire of the natives for a knowledge of English as an avenue to lucrative government employment. There soon developed a conflict of claims between English and the oriental languages. Macaulay's minute of 1835 was largely instrumental in deciding it in favor of the English language and the Western learning.

The decisive step came in 1854, when Sir C. Wood, as president of the board of control, issued the famous dispatch outlining the scheme of education that in its main features still endures. The Crown reaffirmed it in 1859. Under its provisions in 1857 the universities of Calcutta, Madras, and Bombay were established, and by 1861 the system was in general working order. The attempt to westernize India had begun.—W. W. Hunter, *Imperial Gazetteer of India*, IV, 412–13.

[1] As the *Round Table Quarterly* (VIII [Dec., 1917], Pt. 1, 21) put it: "Half the troubles of the British in India have been caused by their failure to find a position of any real importance in their system for Indians equipped with a sufficiently thorough Western education to qualify them for the task of interpreting the mind of the West to the mind of the East.

subjects. The keen analytical Brahmin mind could not be expected to draw conclusions of submission and quiescence beneath autocratic foreign rule from a study of England's struggle for constitutional liberty.

The effects of this system were soon perceptible, but the government held on in the spirit of Sir Richard Temple, writing in 1882,

Some observers may hold that if higher education tends to political discontent, the government should prudently refrain from imparting it. But such view could not be maintained in the nineteenth century. Surely it is our bounden duty to give to the natives the benefit of all that we know ourselves. If we admit that there are cases in which plain dictates of duty must be followed and reliance placed on providence for the result, then here is an example of the strongest kind. Politically we are so secure that we can afford to be generous in imparting knowledge, even though in some respects disaffection were to spring up in consequence; but in fact true loyalty and contentment in other and more important respects will thereby be produced or confirmed. At all events this is an occasion for putting into practice the maxim "be just and fear not."[1]

Matters[2] stood thus when Lord Ripon came out as viceroy on the crest of the wave of Gladstone's Midlothian victory of 1880. He was confronted by the financial difficulties created by the expenses of the Afghan imbroglio and a famine in the Northwestern Provinces; a native press[3] which had assumed a tone that had necessitated restraint; and a restlessness among the educated natives, which, while in no way menacing, compelled consideration. The conditions were ripe for practical experiment in the application of the theories of liberalism.

As Lord Ripon said himself later in his Edinburgh speech:

There are three methods of treating the movement which we have been considering. We may either ignore it or we may endeavor to resist it, or we

[1] Sir R. Temple, *op. cit.*, p. 504.

[2] R. D. Osborn, "India under Lytton," *Contemporary Review*, XXXVI (Sept.–Dec., 1879), 573.

[3] Sir R. Temple, *op. cit.*, p. 431. The change in the spirit of the natives was not confined to the political field. For example, in the religious field there was the Brahma Samaj. In essence it was an attempt to modernize or perhaps Christianize Hinduism by purifying it of what the teachings of the West held to be immoral or worse. The movement centered in Calcutta but its adherents were scattered over the provinces. Its founder and leader was Ram Mohan Roy.

Slower to gain headway but destined to greater development was the Arya Samaj founded by Swami Dayanand. This movement also was in its origin religious, but unlike the Brahma Samaj, was anti-Christian, voicing the cry of "back to the Vedahs." Its later developments assumed a strong political tinge.—"The Arya Samaj," *Round Table* (Sept., 1913), pp. 614–36.

may recognize it and guide it. Of these methods the first is obviously the most foolish. The movement may be unacceptable to many persons—it may involve danger in the treatment of the natives of India by Europeans, official or non-official, and in the bearing of the natives towards them which they regard with dissatisfaction and dislike; but a movement such as this, springing from such potent causes cannot be got rid of by the simple process of shutting one's eyes, and the policy of the fabled ostrich will avail Indian statesmen as little as it ever did that unhappy bird. . . . .

The conclusive answer to any one who would recommend an attempt to stop the onward march of thought and aspiration in India is that it is impossible. We are thus brought—and I rejoice for my part to think it—to the last of the three methods of treating the problem before us. We have to deal with the movement resulting from our own past policy and growing in volume and in force every year. Our task—the greatest task of the Indian Government today—is to guide and to control this stream of progress so that, moving on with steady and regulated advance, it may fertilize and not destroy, may enrich and not uproot.[1]

Lord Ripon also quoted with approval Sir Evelyn Baring's words:

The task of the government, and especially of a despotic government, is beset with difficulties of no light kind. To move too fast is dangerous; but to lag behind is more dangerous still. The problem is, how to deal with this new-born spirit of progress—poor and superficial in many respects as it is—so as to direct it into a right course and to derive from it all the benefits which its development is capable of ultimately conferring upon the country and at the same time to prevent it from becoming, through blind indifference or stupid repression, a source of serious political danger.[2]

In addition there were other motives contributing to determine Lord Ripon's policy. He himself thus explained how he came to inaugurate the reforms, in replying to an address of the Lahore municipality, on November 8, 1882:

The main and primary object of the government of India in the steps which it is taking at the present time for the development and extension of self-government in this country is to advance and promote the political and popular education of the people and to do what may be done under the circumstances of these times to induce the best and most intelligent men of the community to come forward and take a share in the management of their own local affairs, and to guide and aid and train them in the attainment of that important object.

We have not been led to adopt this policy at this time in consequence of any mere inclination of our own, but I can truly say that we have been forced

[1] *Voice of India*, III (Dec., 1885), vii–ix.

[2] *Ibid.*, p. vii.

to adopt it by the circumstances of the times with which we have to deal. We had last year as you are aware to make arrangements for the renewal of those quinquennial provincial contracts which were originally introduced in the time of Lord Mayo, and which formed one of the distinguishing features of that great policy of decentralization which will always constitute one of the greatest claims of that distinguished statesman upon the gratitude of India.

Those five-year contracts were running out and we had to consider upon what terms they should be renewed; and when we came to turn our attention to that question, we thought it our duty to ask whether the time had not come to apply more fully and to carry out yet further the policy which Lord Mayo had inaugurated, for it must be borne in mind that that policy in its full intention was not only of provincial decentralization but that Lord Mayo looked with the eye of a statesman to promote also the great object of self-government; and it seemed to us that we could not better apply the principles which he had laid down than by carrying decentralization beyond the stage at which—not I believe in accordance with his desire, but owing to circumstances which followed his unhappy decease—it had been arrested and to advance it from decentralization as between those provincial governments and the local bodies within their jurisdiction.

But when we came to look at this problem and to seek for a solution of it, we found that it would be essential to infuse new life and vigour into these local bodies in which we desired to confer fuller and more extended powers.[1]

Impelled by these motives Lord Ripon's government issued through the Finance Department a resolution on September 30, 1881,[2] and October 10 addressed letters to the various provincial governments. On May 18 of the following year another resolution was issued, which has ever since been held by the educated natives in an esteem almost amounting to reverence. It is perhaps the most liberal enunciation of the policy of self-government ever made by the government of India,

[1] "Local Self-Government in India," *Westminster Review*, CXXI (1884), 71–72.

[2] About the same time as the resolution of September 30, 1881, was issued, detailed information was called for with respect to the existing municipal system in India. The result showed that municipal committees were in existence in most of the principal and in a few of the smaller towns, and that in every province there was legal power to allow the appointment of members of these committees by election. It appeared, however, that there were great differences between the practice prevailing in different provinces in regard to the elections. In some the elective system had been largely introduced. In the Northwestern Provinces it was in operation in seventy-three out of eighty-one municipalities, and in the Central Provinces in fifty-eight out of sixty-two. In others it had been applied to a very limited extent. In Bengal, apart from Calcutta, there were only three elective municipalities. In Bombay election had been introduced nowhere except in the city of Bombay itself, where it had worked very successfully. It was difficult to discover any reason for these variations of practice except the varying inclinations of different governors and lieutenant governors.—Sir Evelyn Baring, "Recent Events in India," *Nineteenth Century Review*, XIV (1883), 581.

and it is also the best and most authoritative description of the preliminaries of the self-government measures enacted by Lord Ripon and Lord Dufferin.[1]

5. At the outset the governor-general in council must explain that in advocating the extension of local self-government and the adoption of this principle in the management of many branches of local affairs, he does not suppose that the work will be in the first instance better done than if it remained in the sole hands of the government district officers. It is not primarily with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education. His Excellency in council has himself no doubt that, in course of time as local knowledge and local interest are brought to bear more and more freely upon local administration, improved efficiency will in fact follow. But starting there will doubtless be many failures calculated to discourage exaggerated hopes, and even in some cases to cast apparent discredit upon the practice of self-government itself. If, however, the officers of government only set themselves, as the governor-general in council believes they will, to foster sedulously the small beginnings of independent political life; if they accept loyally and as their own the policy of the government; and if they come to realize that the system really opens to them a fairer field for the exercise of administrative tact and directive energy than the more autocratic system which it supersedes, then it may be hoped that the period of failures will be short and that real and substantial progress will very soon become manifest.

6. It is not uncommonly asserted that the people of this country are themselves entirely indifferent to the principle of self-government; that they take but little interest in public matters; that they prefer to have such affairs managed for them by government officers. The governor-general in council does not attach much value to the theory. It represents no doubt the point of view which commends itself to many active and well-intentioned district officers, and the people of India are, there can equally be no doubt, remarkably tolerant of existing facts. But as education advances there is rapidly growing up all over the country an intelligent class of public-spirited men, whom it is not only bad policy but sheer waste of power to fail to utilize.

The task of administering is yearly becoming more and more onerous as the country progresses in civilization and material prosperity. The annual reports of every government tell of an ever increasing burden laid upon the shoulders of local officers. The cry is everywhere for increased establishments. The universal complaint in all departments is that of overwork. Under the circumstances it becomes imperatively necessary to look around for some means of relief, and the governor-general in council has no hesitation in stating his conviction that the only reasonable plan to the government is to induce the

[1] It is published in full in P. Mukherji, *Indian Constitutional Documents*, 1773–1915, pp. 408–20.

people themselves to undertake as far as may be the management of their own affairs, and to develop or create if need be a capacity for self-help in respect of all matters that have not for imperial reasons to be retained in the hands of the representatives of government.

7. If it be said that the experiments hitherto made in this direction have not been encouraging, the governor-general in council must avow his belief that the principle has not yet been in any general or satisfactory fashion fully and fairly tried. There is reason to fear that previous attempts at local self-government have been too often overridden and practically crushed by direct though well meant official interference. In the few cases where real responsibility has been thrown upon local bodies and real power intrusted to them, the results have been very gratifying. There is even now a vast amount of assistance rendered to the administration by honorary magistrates, members of municipal corporations and other committees, and there is no antecedent improbability in the theory that if non-official auxiliary agency were more thoroughly organized and more fully trusted, there would be a speedy and marked improvement not only in its amount but in its efficiency.

8. Holding therefore that it is the duty and interest of the ruling power to take care that the further advance which it is now proposed to make in the direction of local self-government shall be though cautious yet at the same time real and substantial, the governor-general in council will proceed to indicate for the guidance of the provincial administrations, the general principles upon which, in the judgment of the government of India these measures should be shaped. The subject may for the purposes of the resolution be divided into two parts—the first, relating to the mode in which local boards, whether municipal or district, should generally be constituted; and the second, to the degree of control which the government should retain over such bodies, and the manner in which that control should be exercised.

9. In regard to the first of these points, the governor-general in council would observe that he is quite aware of the absurdity of attempting to lay down any hard and fast rules which shall be of universal application in a country so vast and in its local circumstances so varied as British India. It would be unreasonable to expect that any uniform system of local government could be applied with equal success in provinces differing as the Punjab, for instance, from Madras or Bengal from Burma. A large latitude of application must therefore in every case be left to the local authorities. Indeed we are really as yet so much in the infancy of self-government, and have, perhaps, so little knowledge of the directions in which it would naturally develop itself among the people, that there is a distinct advantage in having different schemes tried in different places in order to test by practical experience what arrangements are best suited to the ways of thinking, habits, and other idiosyncrasies of the heterogeneous populations of the empire. But there are nevertheless fundamental principles which after every allowance has been made for

local peculiarities must be universally followed and frankly adopted if the system is to have anywhere a fair trial.

10. The government of India desires, then, that while maintaining and extending as far as practicable, the plan of municipal government in the cities and towns of each province, the local governments will also maintain and extend throughout the country in every district where intelligent non-official agency can be found, a network of local boards, to be charged with definite duties and intrusted with definite funds. The governor-general in council considers it very important that the area of jurisdiction allotted to each board should in no case be too large. If the plan is to succeed at all, it will be necessary to secure among the members both local interest and local knowledge. Experience proves that district committees are as a rule very badly attended by members not actually residing in the vicinity of the headquarters station. Those who do attend have frequently no intimate acquaintance with the wants of outlying parts of the district. The consequence is either that undue attention is given to the requirements of the immediate neighborhood of the central station or that the business falls entirely into the hands of the district officer, the committee contenting itself by formally indorsing his proposals. Modifying therefore to some extent the suggestions made in paragraph 8 of the circular letters of the tenth of October last, the governor-general in council desires that the smallest administrative unit—the subdivision, the taluka or the tahsil—shall ordinarily form the maximum area to be placed under a local board. He would not indeed object to even smaller jurisdictions, were these deemed suitable. In some provinces it may be found possible to leave these subdivisional boards to their own independent working, arranging for a periodical district council to which delegates from each local board might be sent to settle such common matters as the rate of the land cess to be levied during the year, allotment to be made of district funds, and other questions of general interest. In other provinces again it may be thought best to have a district board with controlling power over the smaller local boards. But, whatever system is followed, the cardinal principle which is essential to the success of local self-government in any shape is this, that the jurisdiction of the primary boards must be so limited in area as to insure both local knowledge and local interest on the part of each of the members.

11. The municipal committees will of course remain the local boards for areas included within town limits. The relations between such municipal boards and the subdivisional or district boards within whose jurisdiction the towns lie must be carefully settled in each case. In some instances the town boards will be left entirely independent and apart. In others it may be found desirable to give the rural boards a certain share in the settlement of questions of common interest. In others again, the town boards would be required to send delegates to the district board or council.

12. The local boards, both urban and rural, must everywhere have a large preponderance of non-official members. In no case ought the official members

to be more than one-third of the whole, unless in places in which the elective system is followed, when there would be no ground for objecting to an elected member merely on the ground that he was in the service of the government. The governor-general in council is disposed to think that the non-official members of the boards should hold office for at least two years after election or appointment; but probably the best plan to follow would be that of the compulsory retirement by rotation of a fixed proportion of members, those retiring being eligible to sit again. A detail of this description may, however, fittingly be left to the local government.

13. Members of the boards should be chosen by election wherever it may, in the opinion of the local governments, be practicable to adopt that system of choice. The governor-general in council does not require the adoption of the system of election in all cases, though that is the system which he hopes will ultimately prevail throughout the country, and which he wishes to establish now as widely as local circumstances will permit. Election in some form or other should be generally introduced in towns of any considerable size, but may be extended more cautiously and gradually to the smaller municipalities and to backward rural tracts. . . . .

17. Turning now to the second division of the subject—the degree of control to be retained by the government over the local boards and the manner in which that control should be exercised—the governor-general in council observes that the true principle to be followed in this matter is that the control should be exercised from without rather than from within. The government should revise and check the acts of the local bodies but not dictate them. The executive authorities should have two powers of control. In the first place their sanction should be required in order to give validity to certain acts such as the raising of loans, the imposition of taxes in other than duly authorized forms, the alienation of municipal property, interference with any matters involving religious questions or affecting the public peace, and the like. [The cases in which such sanction should be insisted upon would have to be carefully considered by each government and they would at the outset be probably somewhat numerous, but as the boards gained in experience, might be reduced in number.] In the second place, the local government should have the power to interfere either to set aside altogether the proceedings of the board in particular cases, or in the event of gross and continued neglect of any important duty, to suspend the board temporarily, by the appointment of persons to execute the office of the board until the neglected duty had been satisfactorily performed. That being done, the regular system would be re-established, fresh boards being elected or appointed. This power of absolute supersession would require in every case the consent of the supreme government. A similar power is reserved to the executive government under several English statutes, and, if required in England where local self-government is long established and effective, it is not probable that it could be altogether dispensed with in India. It should be the general function of the executive

officers of the government to watch, especially at the outset, the proceedings of the local boards, to point out to them matters calling for their consideration, to draw their attention to any neglect of duty on their part, and to check by official remonstrance any attempt to exceed their proper functions or to act illegally or in an arbitrary or unreasonable manner.

18. It does not appear necessary for the exercise of these powers that the chief executive officers of towns, subdivisions, or districts should be chairmen or even members of the local boards. There is indeed much reason to believe that it would be more convenient that they should supervise and control the acts of these bodies without taking actual part in their proceedings. The governor-general in council is aware that many high authorities hold that the district officer should always be ex officio chairman of all the local boards within the district, and should directly guide and regulate their proceedings. This was indeed the view taken by the government of India itself in the circular letters of the tenth of October last, so far as the constitution of district boards was concerned. But even then the governor-general in council did not see his way to accepting the principle in the case of municipal boards; and further consideration has led him to the belief that on the whole it is better to lay down no such general rule in the case of any class of local boards. There appears to him to be great force in the argument that so long as the chief executive officers are as a matter of course chairmen of the municipal and district committees, there is little chance of affording any effective training to their members in the management of local affairs, or of the non-official members taking any real interest in local business. The non-official must be led to feel that real power is placed in their hands, and that they have real responsibilities to discharge. It is doubtful whether they have under present arrangements any sufficient inducement to give up their time and attention to the transaction of public business. There is this further objection to the district officer acting as chairman, that if the non-official members are independent and energetic, risk may arise of unseemly collision between the chairman and the board. The former would be in a far more dignified and influential position if he supervised and controlled the proceedings of the board from outside, acting as arbiter between all parties, and not leader of any.

19. The governor-general in council therefore would wish to see non-official persons acting as chairmen of the local boards. There may, however, be places where it would be impossible to get any suitable non-official chairman and there may be districts where the chief executive officer must for the present retain these duties in his own hands. But His Excellency in council trusts that the local governments will have recourse sparingly to the appointment of executive officers as chairmen of local boards, and he is of the opinion that it should be a general rule that when such an officer is chairman of any local board, he shall not in that capacity have a vote in its proceedings. This arrangement will to some extent tend to strengthen the independence of the

non-official members, and keep the official chairman, where there must be one, apart from the possible contentions of opposing parties.

The appointment of chairmen should always be subject to the approval of the local government but need not be always made by it. The governor-general in council would be glad to see the boards allowed in as many cases as possible, to elect each its own chairman. But this matter is one which must be left to the discretion of local governments.

The reception accorded the resolution of Lord Ripon's government was varied.[1] The governments of Bengal[2] and the Northwestern Provinces at once issued circulars in compliance with it. Madras referred it to a committee which brought in a favorable report. In the Punjab the new lieutenant governor, Sir C. Aitcheson, adopted the original program at once.

In Bombay some friction developed.[3] It was not to be expected that a great measure like Lord Ripon's scheme for the extension of local self-government would be received with unqualified approval by all the different local administrations. The Bombay governor was a Conservative, and his government, in particular, received the proposals of the Viceroy with ill-disguised aversion, and in recalling the fact that the urban and rural population of the Bombay presidency had for many years past enjoyed a large share of local self-government under acts of 1869 and 1873, and had made thereby large advances in civilization, attributed to the supreme government an intention to subvert this system and confer unlimited powers upon the local bodies. Lord Ripon's government, however, refuted the objections of the Bombay authorities, mainly on the testimony of Bombay officers, and the Bombay government was persuaded to support it.

Anglo-Indian sentiment at large was apathetic or contemptuous toward the reforms. As A. P. Sinnett, writing in the *Fortnightly Review* in 1883, said:

Most Englishmen in India have but too much reason to distrust the efficiency of native zeal when practical business has to be done; and the

[1] *Annual Register* (1882), p. 320.

[2] Mr. Rivers Thompson, the conservative lieutenant governor of Bengal, said in a speech made in the Bengal Legislative Council:

It is a measure which the Viceroy is very anxious to see established throughout the country, and which, speaking personally for myself, I am strongly anxious to support as fully as I can. I think, after a rule of a hundred years in India, it would rather be a disgrace to us than otherwise if we should give to the people of this country a much larger share in the administration of their local affairs.—J. Goldsmid, "Questions of the Day in India," *Nineteenth Century Review*, XIII (1883), 746.

[3] "India and Our Colonial Empire," *Westminster Review*, CXIX (1883), 299–300.

subordinate official class, the district officers and their assistants as a body may not unnaturally have apprehended that any serious attempt to pass over any of their duties to amateur native committees would certainly end in administrative disorder and retrogression, the blame of which would be apt to recoil on them.

At the same time, though coldly received for these reasons, the new policy was not generally resisted in principle. Differences of opinion in connection with it related to the practicability or expediency of particular measures aimed at giving it effect; its general propriety was not contested, and the state papers which its promulgation evoked hardly include a single important document [except possibly Bombay] that is altogether opposed to the recommendations of the supreme government.[1]

The same feeling was expressed in the *Nineteenth Century Review*, in these words:

With regard to the question of local self-government which is closely connected with that of the employment of natives, no one can doubt that if native committees can be got to undertake particular branches of local administration, and to manage them efficiently, it will be a great advantage to all persons concerned.

Many experiments have been made in this direction, and it is certainly desirable that they should continue to be made. From what I have heard from specially well informed persons as to the management of such affairs in the cities of Calcutta and Madras, and in some other towns which have municipal committees, I am sceptical as to their efficiency.[2]

Sir Evelyn Baring, the late Earl Cromer, expressed the following opinion of the reforms:

If we had wished to look wholly to the administrative, to the neglect of the political aspect of government in India, we should never have let loose the journalist and the schoolmaster in the country. Lord Halifax's educational dispatch of 1854 especially should never have been written. Having for the last twenty-five years at least turned on steam at high pressure, it would not now be wise to sit on the safety-valve. It will surely be wiser to be content with a relatively slow rate of progress and to carry the natives with us rather than to force on the works of local administration without their co-operation. The former certainly appears to me to be by far the most wisely conservative policy of the two. Local boards and committees may, in the words of the

[1] A. P. Sinnett, "Anglo-Indian Complications and Their Cause," *Fortnightly Review*, XL (July–Dec., 1883), N.S. 34, pp. 408–9.

[2] J. E. Stephen, "Foundations of the Government of India," *Nineteenth Century Review*, XIV (1883), 560.

resolution of May 18, 1882, be very properly and wisely used as instruments of political and popular education.[1]

The profoundest shock to the administrative system given by the local self-government reforms was the blow given the district officer. For years the work of actual administration had fallen upon his shoulders, and it was felt that to a very great degree a blow at his functions was a stroke at the roots of English dominion in India.

How Lord Ripon[2] himself viewed the position of the district officer may be gathered from a passage in his Lahore addresses:

I believe that there cannot be a greater error than that of those who suppose that, by this system, the just and legitimate influence of district officers will be diminished. I hold, on the contrary, that it will be found that that influence will be increased. No doubt such a system as this will make a call upon the somewhat different qualities from those which have been brought forward under the present system of more direct administration. I should say that, for the future, we shall require rather the qualities of the statesman than the qualities of the administrator; and, for my part, I think that the qualities of the statesman are the higher qualities of the two; and though it may be true that the qualities of statesmanship called forth by a policy of this description differ somewhat from those which have been exhibited in the past, yet I for one cannot doubt that in the guidance, the training and the leading of a great and intelligent population in times of peace, there are not just as high qualities required as those which are brought to light in days of war and of diplomacy.

Mr. Barkley, speaking in the Legislative Council on the same question, added this view:

It should not be supposed that the organization of the new local bodies provided for by this Bill will give any immediate relief to the district officers or their establishments. The working of these bodies will for years to come demand constant vigilance and attention from the district officer whose duty it will be to assist them to an intelligent discharge of their duties, and to give such explanation as may be necessary to enable them to understand the extent and limits of their powers; and at the same time guard against abuses or neglect of duty on their part.[3]

Lord Ripon was not, however, without his supporters. Mr. Gibbs, speaking on the Central Provinces bill said:

My opinion of the necessity for local self-government is not an opinion recently formed or merely formed on the question being brought forward by

[1] Sir Evelyn Baring, "Recent Events in India," *Nineteenth Century Review*, XIV (1883), 584.

[2] "Local Self-Government in India," *Westminster Review*, CXXI (1884), 81–82.

[3] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (1883), 440.

Your Lordship. I have long seen that such a necessity must arise, and that it was merely the natural outcome of that system of education which has been going on under the auspices of the British government for between forty and fifty years. I have for many years watched the progress made by the natives of this country to render themselves capable of taking part in the government and done my best to hasten on that end whenever I had the opportunity, especially by trying, and sometimes with success, to increase the power and independence in municipalities and other local bodies in Western India.

. . . . I am sure that no true friend of the natives of this country can hold any other opinion than that it would be for the good of the empire when the people of the country become fitted to take a more direct part in its government. This has to a certain extent been going on for many years, by the employment of many natives, some in important, but the majority in subordinate, official positions under the government; but the present movement is of much greater importance than anything that has yet been attempted, for it will enable the independent gentry of the country not merely to join the government in carrying on the administration of the empire, but in their own individual capacity to step in and relieve the ordinary government of much of its work.[1]

Mr. Hunter expressed this view:

I am one of those who believe that, both as a matter of expediency and of justice, the natives must be admitted not only to wider employment in the administrative offices, but also to some share in the government of their country. I do not consider it either safe for England, or fair to India, that a people from whom fifty-eight millions of revenue were last year raised, should have no voice in the political direction of their affairs. I look forward to the time when the Indian Legislature will be, to some extent at any rate, elected by the people—to a time when there will be an Indian representative body, whether under the title of a privy council for India, or by whatever name it may be called, which shall assist the viceroy in the task of administration, as his legislative council now assists him in the task of law-making.

But such a council is possible only if Great Britain makes up her mind to deal honestly with the Indian people. . . . .

The moment that a representative council is created in India, this feeling of soreness and irritation on the part of the natives with regard to the Indian finances will find a voice. England, therefore, can grant representative institutions to India only if England is determined to deal honestly with India.[2]

Speaking to the Imperial Legislative Council he added the following:

We have lately heard much of the great influence exercised by the small but highly educated native communities in the towns. It is complained that

[1] *Ibid.* (Jan. 12, 1883), pp. 27–28.

[2] W. W. Hunter, "What the English Have Done for the Indian People," *Cornhill Magazine*, XLI (1880), 162–63.

influence is altogether disproportionate to the number of the persons who wield it or to the pecuniary stake which they have in the country. Without pronouncing as to the justice of this view, I think that the present measure affords a new and valuable guaranty against the evil complained of. For this bill creates effective mouthpieces for public opinion outside the great towns, such as the rural population never possessed before.[1]

Opinions in England were noncommittal. There were numerous articles dealing with the provisions of the proposals. What few opinions they expressed were but repetitions of those voiced in India.

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (Sept. 12, 1883), 542.

CHAPTER VII

RIPON'S REFORMS—THE LAWS

Divisions of the plan of Lord Ripon
- The development of existing municipalities
- The creation of rural bodies

Continuation of Lord Ripon's policy by Lord Dufferin

The municipal acts
- Summary of the extent of municipal development prior to Lord Ripon's reforms
- The Northwestern Provinces and Oudh Municipal Act, 1883
- The Madras Municipal Act, 1884
- The Punjab Municipal Act, 1884
  - Features of its working
- The Bengal Municipal Act, 1884
- The Burma Municipal Act. 1884

The local self-government acts for rural areas
- Previous practices
  - Local funds committees
    - Specimen—the Madras Local Funds Act of 1871
    - The working of these acts
- The Central Provinces Local Self-Government Act, 1883
  - History of the act
  - Peculiarities of the Central Provinces
  - Reasons for placing officials on the boards
  - Need of native help as a reason for the reform
  - Utilization made of existing organizations
    - The village
    - The school committee
  - Extent of the application of the act
  - The act itself
- The Northwestern Provinces and Oudh Act of 1883
  - The preliminaries of the act
  - The reasons and purposes of the act
  - The act
- The Punjab Act of 1883
  - The reasons and purposes of the act
  - Precursors of the Punjab act
    - Ferry and road committees
  - The act

The Bombay Act of 1884
Previous bodies—local funds committees
The act
The Madras Act of 1884
The Bengal Act of 1885
Summary of the plan for local self-government
Reasons for the retention of official chairmen
Reasons for the non-extension of the elective principle
Reasons for the control provisions
Native opinion of the control provisions
Native adulation of Ripon
English skepticism of the feasibility of self-government
The Burma Village Act of 1899

The plan as finally elaborated by Lord Ripon comprised two distinct aspects. The one was a development of the popular element in the already existing municipalities, which had already made considerable progress in that respect. The other was the development of popular control in the rural areas.

Many of the laws, however, for the execution of the scheme were not enacted until the viceroyalty of Lord Dufferin, 1884–88. It made no perceptible difference. Dufferin, addressing the Corporation of Calcutta on December 13, 1884, said:

> If there is one principle more inherent than another in the system of our Indian administration it is that of continuity. . . . . The Marquis of Ripon and his predecessors have prepared the soil, delved, and planted. It will be my humble duty to watch, water, prune and train, but it may not be out of place for me to remind you that the further development of the principle of self-government rests very much in your own hands.[1]

The various acts which carried the resolution of 1882 finally into at least nominal effect in the municipalities and local areas of British India extended over the three following years. There was no attempt at any ordered program. Each province was dealt with as its local government completed formulating its opinions and plans.

It seems that greater clearness will be secured by disregarding the chronological order to the extent of treating the municipal and rural acts as separate groups.

The first of the municipal acts passed in response to the stimulus given by Lord Ripon was for the Northwestern Provinces and Oudh. In introducing it Mr. Quinton said:

> The resolution of the government of the Northwestern Provinces and Oudh . . . . proposes an extension of local self-government in municipalities

[1] Marquis of Dufferin and Ava, *Speeches in India*, p. 26.

incompatible with the provisions of the present law, and this Bill has been drawn up to give effect to these proposals by substituting for the act of 1873 an enactment which will bestow upon the residents of areas in which it is in force a much larger measure of control over municipal administration than they now possess.

The provisions of the Bill are the result of . . . . consultative and deliberative measures on the part of the local government [the same as for the Local Boards Bill]. They are based on the inquiries of district and divisional officers, considered and weighed by the provincial committee, whose conclusions have been accepted with certain modifications by the local government.[1]

The following are the most significant provisions of the law:[2]

Section 6. There shall be established for each municipality a municipal board having authority over that municipality and consisting of: (*a*) so many elected members as may be determined in manner prescribed, representing wards of the municipality or particular classes of the inhabitants; and (*b*) such person or persons [if any] not exceeding in number one-fourth of the board, as the local government may, subject to the rules made under Section 64, from time to time appoint in this behalf.

Sec. 18. A municipal board shall from time to time, at a special meeting, elect as the chairman one of its own members or some other person qualified for election as a member, and the member or other person so elected shall, if the election is approved by the local government, but not otherwise, become chairman of the board.

. . . . . .

b) In such municipalities as the local government may from time to time, by notification in the official gazette, exempt from the operation of this section, the local government may, from time to time, appoint such person as it thinks fit, by name or by virtue of his office to be chairman.

The powers and duties of the municipalities were extended with considerable detail to the

Section 49. Maintenance of police establishment.

Sec. 54. Conservancy and general improvement.

Sec. 55. Power to make and enforce rules.

The unique feature of the Northwestern Provinces Municipal Act was the provision it made for consulting the inhabitants before deciding on its details. The section is well worth quoting in full:

Section 7. (1) The magistrate of the district within which any municipality is situated shall within one month from the date on which this Act has

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (May 14, 1883), 14.

[2] The act in full is published in *Collection of the Acts Passed by the Governor-General of India in Council in 1883*, Act XV. Calcutta, 1884.

been applied to the municipality under Section 4 or Section 5 issue notices in writing to the persons mentioned in Section 8, inviting them to meet at a time and place specified in the notices for the purpose of preparing and submitting within such further time not exceeding three months from the date of the meeting as the local governments may fix in this behalf proposals for determining the system of representation and election to be established in the municipality.

Section 8 provided that notices should be issued to:

(*a*) all honorary magistrates having jurisdiction within the limits of the municipality, (*b*) members of existing municipal committees and panchayats, (*c*) members of panchayats, (*d*) any leading resident of the municipality . . . . who in the opinion of the magistrate of the district should be allowed to take part in the discussion.

The control provisions authorized the local government to remove any chairman or vice-chairman who could not or would not act or become insolvent or was convicted of an offense indicating a defect of character unfitting him for the position. The commissioner was empowered to enter and inspect the property or operations of the committee and call for such reports and papers as he might think fit. In case of need the local government might suspend or supersede any delinquent board or committee and provide for the performance of its functions, and the commissioner or magistrate might veto any resolution or order likely to lead to any serious breach of the peace.

The Madras Municipal Act[1] of 1884 consisted of two hundred and eighty-nine sections. The preamble of the law made no reference to self-government, merely reciting:

WHEREAS, It is expedient to make better provision for the organization and administration of district municipalities in the presidency of Fort St. George, for the conservancy and improvement thereof, for the diffusion of education therein, and for other objects of public utility calculated to promote the health, comfort, and convenience of the inhabitants of the said municipalities; it is hereby enacted as follows.

The scheme provided by the act created for each municipality a council composed of from twelve to twenty-four members. The divisional revenue officer was to be an ex officio member. The rest were to be partly elected and partly appointed. Certain qualifications were required of the councilors. They were required to be males over twenty-five years old, and non-official residents of the municipality. It was also

[1] The law is published in full in the *Madras Code*, 4th ed., II, 1915. Act IV of 1884.

specified that they must not be criminals and have no business interests in companies contracting with the municipality. The officials could be appointed up to one-fourth of the number of the council. The governor in council was empowered in each specific case to fix the size of the council and details of its organization.

The act authorized the following taxes: (1) yearly tax on arts, professions, trades and callings, and on offices and appointments; (2) yearly tax on buildings or lands; (3) yearly water and drainage tax on buildings; (4) half-yearly tax on vehicles with springs; (5) half-yearly tax on vehicles without springs; (6) tolls on vehicles and animals entering the municipal limits; (7) monthly tax on servants.

Taxes were to be used for: (1) the construction, repair, and maintenance of streets, bridges, and other means of communication; (2) the construction and maintenance of hospitals, dispensaries, lunatic asylums, poorhouses, markets, drains, sewers, latrines, waterworks, tanks, wells, recreation grounds, gardens, parks, the support of doctors and vaccinators, the sanitary inspection of towns and villages, the registration of births and deaths, the watering and lighting of streets, the cleansing of streets, tanks, wells, drains, sewers, and latrines, taking census; (3) planting and preservation of trees; (4) the diffusion of education, construction and maintenance of schools; (5) measures for health, safety or comfort of the people; (6) payments on loans; (7) salaries; (8) expenses provided for by act.

The control features of the act were practically identical with those of the other laws of the series. The governor in council was authorized to modify the orders of the Council or dissolve or suspend it in case of need. The same power could also remove any chairman for failure to perform the duties of his office. The collector of the district was given extensive supervising powers, having the right to inspect all the activities of the Council and call for such reports as he wished. In case of emergency he might also perform the necessary acts himself.

The Bengal District Municipalities Act II of 1884[1] presented the unique feature of going into considerable more detail as to election than the Madras act.

The size of the municipal councils was fixed within the limits of nine and thirty. At least two-thirds were to be elected by male residents over the age of twenty-one, who had paid their three rupee-tax or held a university or medical degree. With certain specified exceptions the chairmen of the councils were to be elected.

[1] The law is published in full in the *Bengal Code*, 4th ed., II, 718 *et seq.* Act II of 1884.

These radical provisions were safeguarded by control features very similar to those of the other acts. The commissioner might suspend the order of any council if he thought it likely to cause serious trouble. He was obliged, however, to report such cases to the local government. The local government in turn had the power to suspend or supersede any incompetent or recalcitrant council.

For Bombay also a new act was passed, Act II of 1884.[1] The peculiar feature of this act was the provision for municipal districts. Municipalities were divided into two classes. One included the cities, towns, and their suburbs. The other included villages and their suburbs or two or more of them grouped into a municipal district. The municipal commissioners were to be in part appointed by the government but at least one-half were to be elected. The commissioners were required to be males over twenty-one years of age without criminal records and without interest in any municipal contracts. Municipal servants, judges, and bankrupts were also barred. The president was, however, to be a government appointee. The powers given the municipalities were practically identical with those given in the other provinces. The control features were also the same.

In the Punjab[2] the act of 1873 had been so broadly framed that it would have been possible to give effect to the proposals for the extension of local self-government in the municipalities of the Punjab, which the local government had enunciated in its resolution (No. 1777) dated September 7, 1882, by merely altering the rules made by the local government.

It was, however, deemed best to pass a new act in order as far as possible to incorporate into one act all the provisions relating to the municipalities.[3] The resulting law approximated the elaborate measures of the presidencies.

Among the new and distinctive features of the act were the provisions giving the local government power to frame rules for the election of such proportion of members as it might see fit; the requirement that at least two-thirds of the membership of the committees be non-officials; and according the committee the privilege of electing its own president although subject to the approval of the local government. Unusually

[1] The law is published in full in the *Bombay Acts, 1880–1888*. Act II of 1884.

[2] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (1883), 526.

[3] This law is published in full in the *Acts of the Governor-General of India in Council*. Act XIII of 1884.

specific provision was also made for education and relief works. The control provisions presented no peculiar features.

For Burma also a new municipal act was passed through the Legislative Council of the viceroy.[1] Its most radical provision was to require the adoption of the elective system except in places where the chief commissioners should be of the opinion that no suitable system of election could be devised. It provided for the election of at least three-quarters of the Municipal Board, and its chairman.

It was the only measure enacted for Burma. Mr. Ilbert gave the following reasons for this action:

> In the first place we have confined the scope of the measure to municipalities proper. The original Bill contained a provision inserted on the advice of the chief commissioner, Mr. Bernard, and of Mr. Crosthwaite when officiating in his place, which enabled the local government to include within the limits of a municipality not merely a town, but also any tract of country adjoining a town. The object of this provision was to meet the requirements of certain rural tracts until such time as it might be found possible to establish a system of local boards for rural districts.
>
> But it appears from the papers which have been submitted to us that on fuller consideration the weight of opinion is against the attempt to include in one municipality urban and rural tracts and that the difficulty of framing provisions suitable to town and to country is greater than had been anticipated. Accordingly we have both adopted Mr. Bernard's recommendation that the Bill be confined like other municipal acts to urban tracts, the matter of local government in rural tracts being left to be dealt with hereafter.[2]

Besides the municipal boards, there had also been instituted in most parts of the older provinces "District Committees"[3] to which has been intrusted the control of the funds levied under various local laws for the maintenance of communications and other local objects. In forty districts of Bengal, committees of this class administered funds aggregating £345,000 for the upkeep of roads and communications. Other committees regulated the distribution of educational funds supplied by government and controlled the charitable dispensaries scattered over the province. Similar arrangements existed in Assam, which followed in such matters the Bengal model. In Bombay (1869) and Madras (1871) the local funds laws provided for the constitution

[1] This act is published in full in *Acts of the Legislative Council of the Governor-General of India*. Act XVII, 1884.

[2] *Proceedings of the Legislative Council of the Governor-General of India*, XXIII (1884), 255.

[3] "Local Self-Government in India," *Westminster Review*, CXXI (1884), 68.

of district and subordinate boards to administer the funds raised under those enactments for communications and educational purposes. In Madras the revenue of these boards was in 1881–82 over one-half million sterling, of which four-fifths came from rates and taxes. The district road and educational funds in Bombay aggregated about £380,000. The Northwestern Provinces and the Punjab had also district committees administering funds.

Before going on to give the main features of the scheme, it will be well to briefly indicate what it superseded. The old scheme was not founded on legislative enactment, but on executive orders.[1] Nothing more was required to regulate the procedure of government officers. This fact is significant as showing that the old system was emphatically a government system. The deputy commissioner was directed to convene a committee, consisting of the other government officers of the district and a few native gentlemen, and to consult with them about the administration of local funds. He was present at all meetings as chairman, and he either did all the work himself or by his subordinates, or exercised control and guidance at every step. The committees were there only to advise him. If the native gentlemen selected were men of some ability and frankness, they might be of service to him in representing local wants and in preventing any grave and unnecessary violation of popular prejudice. But against the hope of even this amount of assistance was to be placed the fact that advice is not always agreeable and that men do not care to place themselves in a disagreeable attitude in relation to the authority to whose nomination they owe their position, and by whose favor they continue to hold it. To this cause was undoubtedly due the general unobtrusiveness and apathy of the native members of the old Local Fund Committee, to which they owed their uncomplimentary nickname of *Jo hukm*, "Whatever is ordered." For this apathy they were not really to blame; it was the necessary result of the system.

The old system also failed in that the members in no way represented the district. The Committee met generally at headquarters. The members nominated were therefore residents in the headquarters town or its immediate vicinity; an outsider could not be expected to attend. Thus, these gentlemen not only represented no electoral constituency, they did not even represent the interests of the district generally. They represented little or nothing more than the headquarters town, which was already fully represented in the Municipal Committee. It must

[1] A. H. L. Fraser, "Local Self-Government in the Central Provinces of India," *Fortnightly Review*, XLV (Jan.–June, 1886), 241–42.

be admitted that this accounts for the large amount of district funds formerly spent on municipal matters. And in any case the result was that a fairly good deputy commissioner, who was in the habit of travelling about his district and meeting the people frankly, knew far more about their wants than the native members of his committee. The Committee was therefore of very little practicable assistance to him. The interior of the district was as a rule neglected, as compared with the parts near headquarters. Only a fairly energetic deputy commissioner attended to it at all; and he could hardly be expected to deal efficiently and satisfactorily with the wants of his whole district. It was this that formed one of the chief practical arguments in favor of the new scheme.

An example of the local funds laws is that of Madras,[1] Act IV of 1871. The purpose of the act was stated to be primarily the raising of funds for roads, secondarily for education and public convenience those residing outside of municipalities. The governor in council was authorized to appoint for these ends in any circle a Local Fund Board consisting of three or more members, owners of land in or residents of the circle. The collector of the district was to be ex officio member and president. Not more than one-half the members were to be officials. The boards were to control and maintain from their funds streets, roads, and thoroughfares. All school buildings and lands previously vested in school committees were to come under its ownership. They were also to control all hospitals, dispensaries, and similar institutions with their equipment. To provide the necessary means, the boards were authorized to levy rates on occupied land and houses, and tolls on carriages, carts, and animals.

A contemporary estimate of the relations between the various committees, both municipal and rural, and the district officer prior to Lord Ripon's reforms says:

> As a matter of fact in some few districts the magistrates, especially those who have a real talent for administration and are something better than mere grinding machines, have for years past left their committees almost entirely to their independent working, contenting themselves with keeping an eye upon all that goes on, discussing frankly with them points of difference and only interposing effectively when interposition is seen to be necessary in public interests.[2]

The first of the measures for the rural areas enacted in pursuance of Lord Ripon's resolution was that for the Central Provinces. In spite

[1] *Acts of the Legislative Council of the Governor of Madras*, No. IV of 1871 of March 2.

[2] "Local Self-Government in India," *Westminster Review*, CXXI (1884), 79.

of the repeated assertions[1] that this bill was in no way to serve as a hard-and-fast model for further bills, and that it was passed for the Central Provinces and for them alone, it was none the less in the main features imitated by those which followed. For this reason it is worth while devoting particular attention to it. Mr. Crosthwaite thus explained the history of the act.

In the first place it will be observed that the Bill refers only to the Central Provinces, and that we have in framing it had special reference to the character of the people of those provinces, and the present condition of the country. I was talking—I need not hesitate to mention it in this discreet assemblage—to a lady yesterday, and she asked why the government had selected the Central Provinces, which she considered to be a most backward place, as the first scene for an experiment of this advanced nature, and as perhaps other people may ask the same question I will explain it. Like many other things in this world it was rather in the shape of an accident; it was necessary purely for other reasons to put the cesses which have always been levied on the land for local purposes in the Central Provinces on a legal basis, and for that purpose I was allowed by the Council in December last to introduce a small and at that time insignificant bill. While we were considering this bill, the government of India published their resolutions of May last on the extension of local self-government and therefore we took the opportunity of embodying such local measures as might be necessary for the proper working of that policy in the present bill. The bill therefore which we now present to the Council with this report differs in a very great degree from the bill formerly published.[2]

Regarding the peculiar conditions under which this act was to be applied, Mr. Crosthwaite said:

It may be said that we have given too much control to the executive, and that we really run the risk of injuring the independence which we wish to give to the boards. In respect to this point I wish to be distinctly understood that we are dealing with the Central Provinces, one of the most backward provinces in India, a country in which the communications have been until a few years back entirely neglected, which consists of forests and mountains and impassable jungle. The people of the province are also in a backward state. Round Nagpur and Jabalpur they are as advanced probably as any place in India, but there are large tracts inhabited by the Khonds and other tribes who are entirely unfit for powers such as the bill contemplates. We have therefore thought it necessary to take power which in the case of the more advanced province might not be necessary. Then with the same object we have put in a section which will enable the chief commissioner to exempt from

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXI (1882), 447–50.

[2] *Ibid.*, p. 440.

the application of the bill such portions of his province as he considers unfit for it. I think this section in the present case is absolutely necessary. I know of my own knowledge that there are parts of districts—I may say whole districts—in which it will be almost impossible to collect sufficient members for a district council, and in those cases I think it is better that the bill shall not be applied at all than that we should run the risk of having a certain failure and bringing discredit perhaps on the whole experiment. We have therefore given the chief commissioners power to exempt any portion of that province he thinks fit from the application of the bill and in doing that I think we have this great advantage, that my friend Mr. Morris is chief commissioner and I believe I am right in saying that he is acquainted with every district in the province, and that we may trust him to make such choice as experience will show to be just and wise. . . . . We do not want these as full blown representative bodies, but we want them to manage in a proper and reasonable way the small local affairs we propose to trust to them. . . . .

From what I know of the character of the gentlemen who will be on these boards and councils, I believe that at present and for some time to come it would be necessary to have a strong official element on the board or councils, but it does not follow that this will be always necessary or necessary in all cases. We have therefore thought it best not to provide for any ex officio members. We have provided that a certain number of each board or council may be nominated by the local government, and in that way it will be open to the local government to appoint as many official members as it chooses within that limit.[1]

The reasons for even attempting to introduce self-government into a province in which the conditions were so backward, as given by Mr. Plowden, seem to be predominantly those of administrative expediency. His words were very similar to those of the resolution of 1882.

As our system of administration becomes more highly developed—and we know this has been done to a very marked extent in the last twenty years—we hear on all sides the complaint that our officers are overburdened with work. There is, I believe, a great amount of truth in this complaint, but the remedy for it is at our doors. We must give to the people themselves a share in their own administration. I do not mean merely by adding them to the ranks of our paid officials and making these additions from the natives of the country. I yield to no man advocating the employment of natives in our administrative and other offices. But there is a limit to the money we can afford to pay for administration as for other purposes. This limit has, I believe, been already reached. It is for unpaid assistance in our local administration that I look to our native fellow subjects for really useful practical aid.

I do not think it is necessary for me to occupy your time by combating objections which I hear occasionally, but I am happy to say rarely, and which

[1] *Ibid.*, pp. 441–43.

are based on the supposed inefficiency or worse of such co-operation when we have secured it. We know that a well administered native state is quite as well administered as—I believe is really better administered, so far as popularity is a test of good administration, than—our own best administered districts. . . . . I believe, My Lord, that promise full of hope for the improved administration of this country is held out to us, if we not only really take the people of this country into our councils, but if we associate them with us in no niggardly spirit, where circumstances permit us to do so, in the administration of their own local affairs. I am free to admit that I do not share the opinion of those who think such a policy properly and carefully enforced is full of danger to the welfare of this country.[1]

In framing the details of the law, Mr. Crosthwaite said:

The first thing we had to settle was the constitution of the boards and councils. We began by recognizing the principle that the village is the unit of all administration in this part of India. Whether in the management of the revenue, the police, or education, nothing much can be done unless there is an organization minute and spreading enough to reach and deal with each individual village. Under the ancient system of the country each village managed its own affairs, and although there is little trace in the Central Provinces—which compared with the other parts of India are distinctly a new country—of those complicated village communities which still thrive in Northern India, yet the system of village management was until a comparatively recent date complete. Every village had its headman or *patel* who without any greater rights in the land than the other villagers acted as their guide, agent, and leader. By the Mahratta revenue system, under which the village community was jointly responsible for the whole revenue and all details of assessments were left to the villagers themselves, the people were forced to act together under their headmen and arrange their own affairs.

During the later period of the Mahratta power and in the earlier years of British rule, the headman became a contractor and a farmer of the revenue. Still he remained a distinct power in the village, and retained somewhat of his official character. Under the terms of our last settlements he has in most cases become the owner of the land, and if it were not for the provisions of the Central Provinces Revenue Act which was passed in 1881, his position and duties as headman would be in danger of becoming merged and lost in his newer and larger character of land owner.

The provisions of the new revenue act enable the government to select in every village one of the resident land owners, or if the land owners are absentees, some suitable resident, to be the *mukaddam*, as he has been called in this act, or headman of the village: and this *mukaddam* both in the manner of his appointment and in the duties required of him represents the *patel* of forty or fifty years ago as nearly as the change in the relations of the villagers

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXI, (1882), 445.

caused by the creation of a proprietary right in the soil will permit. Believing that the scheme of self-government will have much greater vitality if it can be founded on some indigenous institution which the people can understand, and are accustomed to, we decided on taking the village and the *mukaddam* or headman as the basis of our scheme and building up from this foundation.[1]

The fashion in which advantage was planned to be taken of local condition is also illustrated by the following remarks of Mr. Crosthwaite:

I apprehend that the Council and the boards will work very much through committees. To attain success this appears to be the best plan. There will be a financial committee, and engineering committee, and a committee for education.

We have found in the Central Provinces a system of this kind already in force for the management of schools, and at the request of my friend, Mr. Colin Browning, the very able director of education in the Central Provinces, who in a quiet, unostentatious manner, has done very signal service to the cause of education in that part of India, we have recognized the existing school committees and given them a place in the Bill [Sec. 16]. As the history of these committees shows what has been done and suggests what can be done by working through the people themselves [he quotes Mr. Browning],

"Every Government School, of whatever kind, whether middle class or primary, has a school committee. Each school committee consists of not less than four members. They are usually nominated by the deputy commissioner. The school committee members are asked to visit their school once a month collectively and one individual member chosen by rotation visits, or should visit, the school weekly. The school committee members sometimes examine the boys: but the members are often illiterate and unable to examine the scholars. Still they see those that are present, inquire regarding absent boys, settle matters of discipline and arrange within certain limits what rates of fees scholars shall pay and what boys shall be free scholars. The school committees are especially useful in providing suitable accommodation for their schools and in repairing school houses. Several schools have adopted a certain uniform. This uniform the school committees give to the poorer boys at their own expense. School committees are indispensable for the proper conduct of schools. They not only represent our wishes to the people, but the wishes of the people to us. It is often by their influence that many scholars attend school."

Mr. Browning adds that the great use of school committees is undeniable. I need only add that they are entirely unpaid and that the number of gentlemen serving on these committees is between three and four thousand. This is certainly a fact that affords great encouragement to those interested in the success of the present measure.[2]

[1] *Ibid.*, XXII (1883), 8.

[2] *Ibid.*, pp. 11–12.

By this plan . . . . several advantages are gained. First, we secure to the board the advantage of local knowledge of all parts of the area under its jurisdiction. Secondly, without directly choosing the electors, we obtain a manageable constituency or electoral body, to which we may be able to leave the choice of members. Thirdly, we get as members of the board the men who can best aid us in the execution of small local works, and fourthly, we connect the boards intimately with every village, and secure the presence in every village of a person who is represented on the board, who may look forward to becoming a member of the board, and who may fairly be expected to aid the board in the performance of its duties, and in the course of time will I hope come to regard himself as a part and parcel of the governing body of the country.[1]

The main provisions of the law itself were as follows:

Preamble. WHEREAS, Provision has been made by the Central Provinces Land-Revenue Act of 1881, for the appointment of *mukaddams* for the several villages in the territories administered by the chief commissioner, and

WHEREAS, Provision has been made in the settlement-records of the district in those territories for the levy of rates for the maintenance of roads, schools, and the district post, and it is proposed that the government shall, from time to time, assign certain sums, or the income accruing from certain sources, for the expenditure on objects tending to promote the welfare and improvement of the inhabitants of each of those districts.

It is hereby enacted as follows:

SECTION 4. There shall be established for each group of circles a local board having authority over that group, and for each district a district council having authority over the entire district, except such portions thereof as are for the time being included in the limits of a military cantonment or of a town having a municipal committee.[2]

SEC. 5. The local board for a group of circles shall consist of (*a*) representative members, one or more for each circle, being the *mukaddams* of a village or villages within that circle; (*b*) representatives, one or more, of mercantile classes or professions resident within the area comprised in the group and elected by or appointed on behalf of those classes or professions; and (*c*) such person or persons, if any, not exceeding in number one-third of the board as the chief commissioner may from time to time appoint.

SEC. 6. The district council of a district shall consist of (*a*) representatives of groups of circles within the district, one or more for each group being a member or members of and elected by the local board for that group; (*b*) representatives, one or more, of mercantile classes or professions, resident within the district and elected by or appointed on behalf of those classes or professions;

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (1883), 9.

[2] *Collection of the Acts Passed by the Governor-General of India in Council in 1883*, Act I. Calcutta, 1884.

and (*c*) such person or persons, if any, not exceeding in number one-third of the council, as the chief commissioner may from time to time appoint.

SEC. 9. The following matters shall be subject to such exceptions as the chief commissioner may from time to time by order in writing make, be under the control and administration of the district council and of the local boards within the area subject respectively to their authority, (*a*) the construction, repair and maintenance of roads and other means of communication; (*b*) the management, maintenance, and visiting of schools, hospitals, dispensaries, markets, rest houses, sarais, and other public institutions, and the construction and repair of all buildings connected with those institutions; (*c*) the construction and repair of public wells, tanks, and water works . . . . ; (*d*) the planting and preservation of trees on public ground; (*e*) the establishment and maintenance of relief works in time of famine or scarcity; (*f*) the establishment and management of pounds . . . . ; (*g*) the management of such public ferries as may be intrusted to their charge . . . . ; (*h*) any other local works or measures likely to promote the health, comfort, or convenience of the public; and (*i*) the maintenance of any building or other property vested under this act in the district council.

SEC. 10. (1) A local board, as the agent of and subject to the control of the district council, shall, within the area subject to its authority, have the control and administration of, and be responsible for all the matters specified in, Section 9, except such of those matters as the district council may think fit to take under its direct control and administration and such as the chief commissioner may have excepted by order under Section 9.

(2) It shall be the duty of the district council to enforce the responsibility imposed on a local board by subsection (1).

SEC. 19. (1) Every district council and local board shall, from time to time, elect one of its members to be chairman for one financial year at all meetings at which he is present. . . . .

The control features were:

SECTION 28. (1) The deputy commissioner of a district shall have power to supervise the proceedings of the district council and of every local board . . . . and in the exercise of that power may . . . . (*a*) enter and inspect . . . . any immovable property occupied by the council, board, or committee; (*b*) call for and inspect any document . . . . ; (*c*) require the council, board, or committee to furnish such statements as he thinks fit.

SEC. 29. (1) If in the opinion of the deputy commissioner the execution of any order of a district council [or] local board . . . . or the doing of any act . . . . under cover of this act is likely to cause injury or annoyance to the public . . . . or to lead to a breach of the peace he may . . . . prohibit the doing thereof. . . . .

(2) . . . . he shall forward to the commissioners a copy of the order with a statement of the reasons for making it and it shall be in the discretion of the commissioner to rescind the order.

(3) The commissioner shall forthwith submit to the chief commissioner a report of every case occurring under this section.

SEC. 30. (1) In cases of emergency the deputy commissioner may provide for the execution of any work . . . . which a district council or local board is empowered . . . . to do.

SEC. 32. (1) If a district council or local board is not competent . . . . the chief commissioner may with the previous approval of the governor-general in council . . . . supersede it.

The next in the series of local self-government measures after the Central Provinces act was that for the Northwestern Provinces and Oudh. The best explanation of this law is that given by Mr. Quinton.[1]

The object of the Bill is to give effect to the views of the government of the Northwestern Provinces and Oudh on the subject of local self-government, as enunciated in the resolution of that government dated Lucknow fifth of December, 1882, and published together with the letter of the Home Department conveying the general approval of the government of India of Sir Alfred Lyall's proposals in the local and *Imperial Gazettes* during the month.

The law at present in force in the Northwestern Provinces and Oudh does not admit of these proposals being fully carried out. The levy of rates in the United Provinces is authorized by Acts III and IV of 1878. Those acts prescribe rigidly the proportion in which the rates levied under them are to be allotted by the local government to each district committee and direct the appointment of district committees for the purpose of assisting in determining how the allotments shall be applied and in the supervision and control of the expenditure of such allotments; but they leave the appointment of the district committees and the definition of their functions and authority altogether in the hands of the local government; they allow of the members of each committee being so small as six, and of one-half of even this number being government officers; and they enable the local government to divert to general provincial objects all balance of the annual allotments remaining unexpended at the close of each year. . . . .

During the rainy season of last year, under instruction from . . . . the lieutenant governor and chief commissioner, district divisional officers put themselves in communication with the leading non-official gentlemen of their respective charges including the members of municipal and district committees. Meetings were held at tahsils by collectors or their assistants and at headquarter stations by commissioners. The points on which the government wished for information were fully discussed at these meetings and elsewhere, and the outcome of the meetings and discussions was a mass of reports filling more than three hundred closely printed pages. In August the lieutenant

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (1883), 413–15.

governor convened a large committee at Naini Tal, presided over by the senior member of the Board of Revenue and having on it as members three commissioners of divisions, four district officers, the heads of the police and educational departments, two officers of the secretariat, one of whom—Mr. Woodburn—had been a deputy commissioner of long experience and great efficiency in Oudh, and four distinguished native gentlemen, one of them—Raja Siva Prasad—a member of this council.

To this committee were referred for consideration the resolutions of the government of India on the subject of local self-government and the orders of the local government on the subject of those resolutions, the reports of the divisional and district officers to which I have above alluded and a draft bill embodying such provisions of Acts III and IV of 1878 and Act XV of 1873 as seemed *prima facie* applicable to the new arrangements. The report of this committee is dated the thirtieth of September and its labours are thus characterized by the local government, "To this Committee Sir Alfred Lyall is much indebted for clear and well reasoned conclusions upon all the principal matters referred for deliberation especially upon the methods best adapted for carrying out the policy of local self-government as declared by His Excellency the Governor General in Council."

Then followed the Resolution of the fifth of December recorded by the local government accepting with certain modifications most of the recommendations of the committee. Bills were drafted to effect the necessary legislative changes which when finally approved of were forwarded to the government of India, but the Council toward the close of the Calcutta session was so much occupied with more pressing business that there was no time available for the consideration of those measures and I am only now in a position to introduce the bills as revised by the Legislative Department. . . . .

The bill,[1] My Lord, will thus confer on the people of the Northwestern Provinces and Oudh a substantial though not an unsafe measure of local self-government. It is a move and a decided but not a rapid move in that direction. For a somewhat centralized system of administration of local funds it established local bodies appointed mainly by such a form of election as is considered by those best acquainted with the provisions most suitable to their present condition, presided over by chairmen of their own choice charged with the performance of definite duties vested with the control of their own funds and possessed of the local knowledge and local interest which it is the tendency of centralized departments in their zeal for improvements sometimes arbitrarily to overrate. It is not to be expected that large results will at once be apparent from the passing of this Act or that a population composed chiefly of peasants and petty landholders engaged in a hard struggle for existence of whom not quite 6 per cent have acquired the arts of reading and writing, will suddenly manifest a great amount of public spirit, will display an unselfish

[1] *Ibid.*, p. 538.

interest in commercial affairs and develop a conspicuous genius for administration but we may reasonably hope that in these respects a promising start will be made and a steady rate of progress gradually attained under the guidance of divisional and district officers second to none in India, in sympathy with and knowledge of the agricultural classes controlled by a lieutenant governor who has so thoroughly familiarized himself with the ideas and principles underlying the structure of Indian society.

The Northwestern Provinces and Oudh act[1] differed in no essentials from the Central Provinces. The local government was given general power to fix the size of the local boards and the relative proportion of elected and nominated members, with the restriction that not more than one-fourth be officials and prescribe the manner of election.

The district boards were to be composed of members of the local boards or a proportion of them selected by election as the local government might think fit. The powers and functions of the boards were practically identical with those in the Central Provinces, as were also the control features.

In the Punjab the local government fell in readily with Lord Ripon's proposals and issued a resolution in September, 1882. In it occurs the following passage:

> The object of the whole proceeding is to educate the people to manage their own affairs. At the outset it is admitted that amongst the native community the various capacities requisite in public life are for the most part immature; it is precisely for this reason that a period of public and political training is necessary. The value of the policy consists in its tendency to create and develop the capacity for self-help. Placed in new positions of responsibility, the representatives of the people on the local boards will become year by year more intelligent, self-reliant and independent. But these advantages can be secured only if the local boards are trusted. Their powers and responsibilities must be alike real in proportion; as if there is any pretence or illusion about either the one or the other, there is an obvious responsibility that the whole undertaking may degenerate into an officious dislocation of existing arrangements. No such miscarriage of a generous and enlightened policy must be suffered to occur in the Punjab. This risk escaped, the government anticipating by wise reforms those legitimate aspirations which always gain substance and strength with the process of instruction, and providing a career for the people to open and expand with their growing intelligence and education, will avoid many of the dangers inherent in foreign rule. The scheme, in so far as it can be successfully worked, will tend to educate the country in public life, to relieve the government of the odium of petty interferences and small unpopular acts and to diminish any sense of antagonism between the people

[1] This law is printed in full in the *United Provinces Code*, 4th ed., 1906, pp. 282–301.

and the government, to promote better knowledge of the real aims of the governing body, to popularize taxation, to open useful if not exalted careers to the native gentry, and to interest leading men in the process of undertakings and the stability of institutions in which they will now have a personal and a prominent share.[1]

When the Punjab act was finally presented the following year, as Mr. Berkley said, the novel feature was the native participation provision. The

Bill is not the first attempt to associate the people of the Punjab, outside of municipal towns, in the management of their own affairs. Before 1871 each district had its road and ferry fund committee, but these committees consisted entirely of officials, European and native, and had in most cases very limited funds at their disposal. In 1871 financial reasons made it necessary for the supreme government whilst partially decentralizing finance to make assignments to local governments falling short of the estimated expenditure of the departments, the charges of which were transferred to them. . . . . To control the funds so raised, the Act enabled the lieutenant governor to appoint committees in each district, and this power was exercised by appointing committees consisting of both official and non-official members, the former being generally appointed ex officio by the name of their office and the latter by nomination for a term of two years at a time. In this way a considerable number of the more intelligent and influential inhabitants of the districts had been associated with the leading officials in the expenditure of the district funds and had learnt to take some part in devising and carrying out measures for the general welfare. In some districts more progress had been made in this direction than in others and indeed, in some districts the poverty of the district funds or other local circumstances did not admit of such being done.[2]

The Punjab law[3] presented no unique features. The decision as to the where and when and size of the local boards was left to the local government with only the restriction that there must be at least six members. The proportion of officials was limited to one-third. At least one-half of the members were to be landholders in the district.

In Bombay[4] there was a radical revision of the existing system necessary to comply with Lord Ripon's proposals. District local boards or local funds committees had been constituted by Bombay Act IV of

[1] Sir R. Temple, "Local Self-Government in India, the New Departure," *Contemporary Review*, XLIII (Jan.–June, 1883), 380–81.

[2] *Proceedings of the Legislative Council of India*, XXII (1883), 433–34.

[3] *Collection of Acts Passed by the Governor-General of India in Council in 1883*, Act XX. Calcutta, 1884.

[4] W. W. Hunter, *Bombay 1885–1890*, p. 440.

1869. Under this act they were to be presided over by the collector of the district and to consist of certain district officials and one *inamdar* and six local landholders nominated by the government. Their functions were to administer the local cess. The taluka (or subdivisional) local funds committees were presided over by the deputy or assistant collector. Their primary function was to bring the wants of the taluka or subdivision before the district committee.

The new law[1] provided for the introduction of the elective principle, made detail specifications for the powers and duties of the boards as well as providing for their supervision and control in practically the identical fashion of the preceding laws of the Ripon series. The proportion of officials and also of the elective members was fixed at one-half of the membership. Somewhat elaborate provision was made for class representation. On the local boards there was to be one member for each municipality included in its area, one for the big landowners. On the district boards there were to be members from each local board of the district, for each municipality of over eighteen thousand inhabitants, and for the big landowners. The sources of income, the powers, and the control provisions resembled those of the other laws.

By this law the size of the district board was fixed at twenty-four, and the collector of the district was made the ex officio chairman. The provision for the elective system was left permissive with the governor in council. The possible electorates provided were the local boards, the panchayats, and the tax-payers. The number of officials was limited to one-fourth the membership. The taxes and the functions authorized and the control features were like those of the other laws. One unique feature was the permission to establish panchayats for unions at petty villages. These were to consist of five members of which the headman was to be one.

Four months later than the Bombay act came the Madras measure, which received the requisite approval of the governor-general in council and went into effect July 2, 1884.[2] The act created district boards of not less than twenty-four members under the chairmanship of the collector of the district. By special authorization of the governor in council the members were, however, to be permitted to elect their own. The members themselves might be elected or appointed as the governor-general in council might direct. Where authorized the elected members were to make up three-fourths of the membership. The electorates were

[1] *Bombay Code*, 3d ed., 1907, II, 824. Act I of 1884.

[2] *Madras Code*, 4th ed., 1915, Vol. I.

to be the taluk boards, the panchayats, the tax-payers, or merely the "inhabitants." Officials were eligible for appointment.

Below the district boards were to be the taluk boards, under the presidency of the revenue officer unless special authorization for the election of the president were to be given by the governor in council, who was also empowered to determine their size and proportion of members to be elected

The taxes authorized as usual were on lands, houses, vehicles, and various licenses for the erection of structures. The functions of the boards covered the same category of sanitation, police, and general welfare activities as the other laws. The control provisions were identical.

The last of the "Ripon Group" of local self-government measures was the Bengal act[1] which became law on July 22, 1885. This law required the creation of the district boards, but left the establishment of the local boards dependent on the judgment of the lieutenant governor. The minimum size for the district board was placed at nine, for the local board at six. The chairman of the district board was to be elected. The electorate for the local boards was to consist of the members of the union committees, adult men who paid a one-rupee road cess or possessed an income of two hundred and forty rupees, a member of a family some member of which was qualified for election, held a university degree or was a pleader. The qualification required of the members was the payment of a five-rupee tax or a taxed income of one thousand rupees. To the local boards were intrusted such functions as the lieutenant governor saw fit. The functions of the district boards were prescribed in detail, but practically identical with those of the other laws.

In all of the various acts, in spite of variations in details as to the kind of taxes to be imposed and the purposes for which they were to be applied, the rough outline of the scheme was the same. At the bottom was the local board, sometimes elected, more frequently appointed by the government through the district or subdistrict officer, except in the cases when it was allowed to elect its chairman, as in Bengal.

Above it was the district board, composed in some cases of government appointees, and in others of members of the local boards. As a rule, the district boards were under the chairmanship of the district officer, in name at least, though in many cases the real work devolved

[1] The act is printed in full in the *Bengal Code*, 4th ed., II, 907. Act III of 1885.

upon the vice-chairman and in others the boards were permitted to elect their own chairman.

The reasons for retaining the district officer in the office of chairman in many cases was thus explained by Mr. Quinton during the debate on the Northwestern Provinces and Oudh Local Board Act.[1] Regarding the appointment of the chairman, the lieutenant governor and the chief commissioner observe that the question of the chairmanship of the district board was the subject of prolonged discussion by the provincial committee. Their finding coincides in principle with the opinions and prepossessions generally elicited by the district inquiries and recorded in the district and divisional reports. Of the four native members of the Provincial Committee, three strenuously insisted upon the necessity for maintaining by law the chief district officer as chairman of the District Board. The fourth—a gentleman of large property and influence in his own district—held a different opinion, though it may be added that while he is said to be exceedingly well fitted for the chairmanship, he had nevertheless declined the office in his own district on the grounds of indifferent health, want of leisure, and residence at a distance from headquarters; and the district and divisional reports, which in the lieutenant governor's opinion evince on the part of the writers a most satisfactory disposition to interpret the genuine feeling and wishes of the people, indicate clearly that the main current of native opinion runs decidedly toward maintaining the position of the chief district officer at the head of local affairs, until some experience in the transaction of public business and the management of committees has been gained by leading members of the native community. It is beyond doubt expedient that the District Board should be exempt from official pressure and unnecessary interference; but the lieutenant governor is confident that in these Provinces all district officers are thoroughly prepared to give every facility and aid to the policy of the supreme government and to promote whatever measures may be adopted for its introduction.

But . . . . the middle course recommended by the Committee in the twelfth paragraph of their report, which course the lieutenant governor and chief commissioner have decided, with a slight amendment, to adopt, will further test the wishes of the country and will allow time for opinion to form and show itself among the district boards themselves. The Committee recommended that the district officer shall be ex officio chairman of the District Board, except when the Board on application made to the government by a majority of the members, receives permission to elect a non-official chairman from their own body.

It is manifest that local self-government meaning a system of administration by the gratuitous exertions of persons best acquainted with the character-

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (1883), 420.

istics of the neighborhoods in which they are interested—and possessed of means, leisure, and public spirit enabling and impelling them to devote themselves to that administration—cannot be initiated and developed into real independence except by men who can lead and will be trained by the community at large. This is how all systems of local representation have begun in all times and countries; so that it would be remarkable if in such a country as India the best way of beginning were to be found to be by popular suffrage. That the services of such men could be secured by open election, that they themselves would seek election or would generally allow their names to be submitted for the purpose seems from all the information hitherto collected to be questionable. If, therefore, we find that the views and prepossessions, as far as they have been elicited, of persons qualified to form a judgment on the best mode of initiating local self-government in the extensive districts of these Provinces are largely in favour of leaving at the outset the constitution of the local boards more or less in the hands of the government, there seems to be no sufficient reason for endeavoring almost on the spur of the moment, to invent any such elective machinery as would necessarily raise numerous and various questions of franchise and voting rights and all the practicable difficulties inseparable from the attempt to adjust an arbitrary system to the diverse circumstances of the country.[1]

Nothing was further from their intention than to place local representative bodies in a position of absolute freedom from government control. What was proposed was not to remove such control, but to alter its character, to substitute for dictation from within control from without, and to take care that this control should be exercised with reference to fixed and general principles and for definite and intelligible reasons, control in this form, so far from being incompatible with, was an essential feature of, any good system of local self-government.[2]

On the same question, Sayyad Ahmed Khan, probably the most prominent and progressive Mahommedan of the time, said during the debate on the Central Provinces Local Self-Government Bill:

I am one of those who believe that the success of local self-government will, in a great measure, depend upon the amount of independent power to be conferred upon the local boards and the district councils. Indeed, I am convinced that it may be safely laid down as a general rule, that the greater the powers conferred upon these bodies, the greater will be the cordiality, earnestness, and industry with which the work will be performed by the members. Holding such views it would be only natural for me to dissent from such provisions in the bill as are intended to authorize interference on the part of district authorities. But, My Lord, I wish to offer no opposition as I am aware that this bill relates to the Central Provinces, that those provinces are among the

[1] *Ibid.*, p. 417. [2] *Ibid.*, p. 25.

least advanced people of British India, and I feel that in this circumstance is to be found justification for exceptional treatment.[1]

Turning to the general principle of self-government, Sayyad Ahmad Khan went on to say:

These clauses reserve to the government the power to appoint members of the local boards and the district councils not exceeding one third of the whole number. I regard this provision in the Bill with unqualified satisfaction. As this is the first occasion on which the subject of local self-government has come before the legislature, I cannot avoid expressing a hope that the provision to which I have alluded is an indication of the policy which the government intends to pursue in regard to legislation for other provinces also. How far the government should control the constitution of local boards and district councils is a matter of principle by no means peculiar to the Central Provinces. It is indeed a matter that goes to the very root of the entire scheme of local self-government for which the country is indebted to Your Lordship's administration. To that noble scheme I am proud to give my hearty though humble support, for I rejoice to feel that I have lived long enough to see the inauguration of the day when India is to learn at the hands of her rulers those principles of self-help and self-government which have given birth to representative institutions in England, and have made her great among the nations of the world. My Lord, I sincerely believe that all the intelligent classes throughout India sympathize with the feelings which I have expressed, that they feel grateful to the government for the privileges which the scheme of local self-government will confer upon them and that the effect of those privileges will be to enhance the popularity of the British rule and to inspire feelings of loyalty and devotion among the vast population of British India. The more real those privileges are, the more beneficial will be the results. Having such views and feelings as these, I cannot possibly have sympathy with those who depreciate the withdrawal of the government from the direct management of local funds and local affairs, and it is natural for me to wish as a matter of principle that the local boards and district councils should consist, as far as possible, of persons whom the voice of the people has elected as their representatives. But, My Lord, I feel that I am not acting inconsistently with my feelings and views in cordially supporting these provisions of this Bill which reserve to the government the power of appointing one-third of the members of the local boards and district councils. I am convinced that no part of India has yet arrived at the stage when the system of representation can be adopted in its fullest scope, even in regard to local affairs. The principle of self-government by means of representative institutions is perhaps the greatest and noblest lesson which the beneficence of England will teach India. But in borrowing from England the system of representative institutions it is of the greatest

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (1883), 16.

importance to remember those socio-political matters in which India is distinguishable from England. The present socio-political condition of India is the outcome of the history of centuries of despotism and misrule, of the dominancy of race over race, of religion over religion. The traditions and feelings of the people and their present economic and political condition are in a vast measure influenced and regulated by the history of the past; and the humanizing effects of the British rule have not yet demolished the remembrance of the days of strife and discord which preceded the peace brought to India by the British supremacy. India, a continent in itself, is inhabited by vast populations of different races and different creeds; the rigor of religious institutions has kept even neighbors apart; the system of caste is still dominant and powerful. In one and the same district the population may consist of various creeds and nationalities, and whilst one section of the population commands wealth and commerce, the other may possess learning and influence. One section may be numerically larger than the other, and the standard of enlightenment which one section of the community has reached may be far higher than that attained by the rest of the population. One community may be fully alive to the importance of securing representation on the local boards and district councils, whilst the other may be wholly indifferent to such matters. Under these circumstances it is hardly possible to deny that the introduction of representative institutions in India will be attended with considerable difficulty and socio-political risks. In a country like England, where the distinctions of race no longer exist, where the differences of sectarianism in religious matters have been mitigated by the advance of toleration, the matter does not present such difficulties. The community of race and creed makes the English people one and the same nation and the advance of education has rendered smaller differences wholly insignificant in matters connected with the welfare of the country at large. . . . .

The system of representation by election . . . . in countries where the population is composed of one race and one creed . . . . is no doubt the best system that can be adopted. But, My Lord, in a country like India where caste distinctions still flourish, where there is no fusion of the various races, where religious distinctions are still violent, where education in its modern sense has not made an equal or proportionate progress among all the sections of the population, I am convinced that the introduction of the principle of election pure and simple for representation of various interests on the local boards and the district councils would be attended by evils of greater significance than purely economic considerations. So long as differences of race and creed and the distinctions of caste form an important element in the socio-political life of India, and influence her inhabitants in matters connected with the administration and welfare of the country at large, the system of election pure and simple cannot be safely adopted. The larger community would totally override the interests of the smaller community, and the ignorant public would hold the government responsible for introducing measures which

might make the differences of race and creed more violent than ever. [For this reason] . . . . I, a sincere admirer of the representative system, have given my cordial support to such provisions of this Bill as appear to militate against a system of election pure and simple. The government in reserving to itself the power of appointing one-third of the members of the local boards and district councils is adopting the only measure which can be adopted to guarantee the success of local self-government by securing and maintaining that due and just balance in the representations of the various sections of the Indian population which the system of election pure and simple would fail to achieve.[1]

In all of the acts the provisions for control by the government were almost identical.[2] The annual budget estimate of income and expenditure must be approved by the deputy commissioner, commissioner, or governor as the case might be, and no expenditure not therein provided for could afterward be incurred without his sanction. The limits of authority in detailed expenditure were also clearly laid down. Besides this, the district officer or the deputy commissioner had power to supervise the proceedings of every local body, a copy of the record of which must be submitted to him without delay. He might inspect any work and call for any document, and he received full accounts and statements prescribed by rule. He was thus able easily to keep himself informed of all that was going on. He had the power to suspend the execution of the orders of any local body, and in cases of emergency to take all necessary action himself which he was to report to higher authority; and the local government had power to provide for the performance of duties neglected by the district council, and might even set aside a council or board or remove any of its members in case of incompetence, default, or abuse of powers. Finally, the act did not apply to any district until it had been specially extended by the local government.

Discussing these control provisions, Mr. Crosthwaite said:

> The control sections of the Bill are perhaps the only part of the measure which has evoked any hostile criticism. They are thought by some writers in the public press to be too strong and to be inconsistent with the freedom or independence of local bodies.
>
> It is said by one writer that "the local boards and district councils will thus be absolutely at the mercy of the deputy commissioner. It will be impossible for them to do anything against his wishes."
>
> I do not think that the gentleman who brought this accusation could have understood this portion of the Bill. The deputy commissioner has a very limited power of interference.

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (1883), 18–20.

[2] A. H. L. Fraser, *op. cit.*, pp. 243–44.

He can object to an estimate, but the commissioner has to decide on his objection and will doubtless take care to let the board or council be heard before coming to a decision. He can inspect works and call for reports, but no local body which is conscientiously doing its duty need fear inquiry. He can suspend the execution of an order or resolution, if he thinks anything is being done to cause injury or annoyance or lead to a breach of the peace, and, in very extraordinary emergencies, he can step in and execute a work which would properly belong to the board or council. But these powers can only be exercised subject to the check of immediate report to the commissioner and in some cases to the chief commissioner.[1]

The feelings of the natives toward Ripon as the result of his self-government measures is difficult of analysis. It was very much complicated by his other projects, especially the Ilbert bill and the repeal of the cotton duties. In part it was devotion to one whom they regarded as their champion against the Anglo-Indian. In part it was a genuine appreciation of his efforts and measures. Whatever the motives, there is no question of the enthusiastic esteem in which he was and has ever since been held. It is worth while quoting a few selections taken more or less at random. The *Tut E Hind* (Urdu weekly) of Meerut, April, 1884, contained the following:

. . . . Since his setting foot on the soil of India he has done his best to force her [India] from thraldom and to confer on her the freedom enjoyed by all the other countries of the world. Although owing to certain causes his intentions have not been fully carried out, yet it is evident enough that he has opened a door of which future rulers may make good use.[2]

The *Indian Spectator*, an English weekly of Bombay,[3] on September 14, 1884, applied to him the epithets of "Ripon the Just," "The Saviour of the Peoples," and "The Idol of the People."

The *Amrita Bazar Patrika*, an English weekly of Calcutta, said on September 18, 1884:

India is a place where it is impossible for such men as Lord Ripon to reside. The very atmosphere of such a place is suffocating to his high nature. It is true that His Lordship has not been able to do much for India, but His Lordship has done much for the English nation and the persons who rule India. His Lordship has proved beyond doubt that even an Englishman can be unselfish and can sincerely love the people of a conquered country. He has proved that even a governor-general of India can feel the intolerably oppressive spirit of the Anglo-Indian community.[4]

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXII (1883), 13.

[2] *Voice of India*, II (1884), 293. [3] *Ibid.*, p. 579. [4] *Ibid.*, p. 580.

We quite agree with the Anglo-Indian press that Lord Ripon has been a failure as a governor-general. The Anglo-Indians claim for that post qualifications such as might foster the brute force of a governing race and put down all the finer feelings of the heart. . . . . Although Lord Ripon has done very little for the people of this country, although since March last His Lordship has been sitting idle at Simla . . . . yet had it not been for the presence of Lord Ripon in the country the people would have received with quite another feeling the advance of Russia to our frontiers than they actually have done.

The *Sahas*, the English weekly at Allahabad, wrote, October 22:

In a country like India where the ruling race actuated by race jealousy and forgetting that the conquered natives are the descendants of the same time-honoured old Aryans, who were also their ancestors, strenuously oppose every government scheme that has for its object the material advancement of native India. Lord Ripon found the obstacles too great.[1]

The *Hindu Patriot*, an English weekly of Calcutta, on December 1, 1884, wrote:

The retiring viceroy was full of good intentions, but His Excellency failed to carry them out in any important respect if we except the repeal of the Gagging Act and the beginning that has been made of the scheme for election for municipalities and local boards. . . . . He has made a few showy concessions to the natives and given them some shadow of advantage; but no act of any magnitude has been successfully carried out during the last four years and a half. There is nothing of any magnitude which we can appeal to as of substantial and permanent value bequeathed to us by Lord Ripon, and nothing will be left which our children and our children's children will be able gratefully to associate with the name of Lord Ripon. On the other hand, though His Lordship has, during his viceroyalty been most vehemently condemned by his countrymen, both official and non-official, as their enemy and denounced in every possible and imaginable form here and in Great Britain, yet he will be remembered by posterity as the special benefactor of the English commercial interests in India and the King John of the East, securing eternal freedom of British-born subjects from the jurisdiction of native magistrates.[2]

The *Sahachar*, a Bengali weekly of Calcutta, December 17, 1884, wrote: "Those who assert that such a ruler is a cause of danger to the empire are not fit to remain in human society; they ought to be located in the lunatic asylum."[3]

Lord Ripon's tour of the country before leaving India was a succession of demonstrations.[4] Half the population of Calcutta turned out

[1] *Voice of India*, II, (1884), 651.
[2] *Ibid.*, p. 739.
[3] *Ibid.*, p. 752.
[4] *Ibid.*, p. 744.

into the station sheds and people came from remote villages and stations to participate with hymns, flags, flowers, odes, and hurrahs. In Bombay there were notices, bunting, and a great illumination.[1] At Alighur College the *Tamiam* of the viceroy was carried by the respectable and leading members of the native community on their shoulders.

Well-informed English opinion on the whole was from the outset skeptical, if not cynical, as to the reality of the reforms. The following is a specimen:

> What India really asks for as the goal of her ambitions is self-government—that is to say, that not merely executive but legislative and financial power should be vested in native hands. At present the legislative authority of each presidency resides in the governor in council, and there is no system whatever of popular representation, even of the most limited kind. The councils are composed wholly of nominees and, except in a very small measure, of English official nominees, and their functions are limited to consultation and advice, for they are without any real power of initiative or even of veto. In each of these councils a few natives have been given places, but they are in no sense representatives of the people, being, on the contrary, nominees of the government, chosen specially for their subservience to the ideas of the government of the day; and their independence is effectually debarred by the further check that their appointment is for three years only, and reversible at the end of such period by the simple will of the governor. All the other members—and they form the large majority—are English, civil, or military officers, who look to appointments on the councils as the prizes of their service, and who usually represent the quintescence of official ideas. Lord Ripon, indeed, took pains to get together men of a liberal sort in his own Supreme Council; but as a rule those who enjoy this position are anxious only to secure reappointment at the end of their three years' term. Thus, instead of representing the ideas current among the native classes from which they spring, they serve only as an echo or chorus to the governor or to the permanent officials who sway the governor.[2]

The application of the principles of self-government embodied in the laws inaugurated by Lord Ripon were very much complicated by practical difficulties. Mr. Hunter's comments made in 1892 are significant:

> The extension of local self-government to India is a question that can be looked at from many points of view. The educated natives and their European friends advocate the establishment of municipalities and local boards, both as affording training grounds for learning the duties and responsibilities

[1] *Ibid.*, p. 749.

[2] "England's Place in India," *Fortnightly Review*, XLIII (Jan.–June, 1885), 393–94.

of administration and as the necessary sequel of the English political axiom "no taxation without representation."

The taxpayer looks upon such schemes as a fresh method of raising money from him. The trained English administrator is apt to disparage the practical results—results which he could have accomplished more speedily and more thoroughly on his own authority.

The government of India bears all these considerations in mind. It has insisted on the creation of municipalities and local boards, but it protects the taxpayer by limiting the amount of local taxation and it checks extravagant or perverse administration by close supervision and, when needful, by interference.[1]

The actual working of all the municipal acts was very much the same in all the provinces. The government of India and the provincial governments have published annual reviews of the working of municipal and rural self-government. Aside from the variations in the bewildering series of figures, there are certain generalizations that apply to them all.

The number of municipalities varies. It has been as high as 764 (1899) but recently has manifested a tendency to decline, dropping to 717 in 1909. The population living in the municipalities numbers only between sixteen and seventeen millions or about 7 per cent of the total. Bombay usually has the greatest proportion and Assam the lowest.

The whole number of members of the municipal committees is over ten thousand, about half of whom are elected. Of the remainder about 15 per cent are usually ex officio and 35 per cent nominated by the government. The provinces vary in the proportion of elected members. In Burma for the year 1906–7,[2] only 13 per cent of the members were elected outside of Rangoon, and there were none in British Baluchistan and the Northwestern Frontier Province. The non-officials at times, as in Bombay in 1906–7, have been 91 per cent of the committee membership and are usually about three-fourths of the membership. Over 80 per cent of the members are usually natives.

The municipalities[3] vary greatly and are of very unequal merit in judgment of the government. No generalization is possible as to the relative development of the different provinces. In all of them a proportion that varies from year to year of the municipalities are superseded for efficiency, a larger number as a rule are commended, and the vast majority merely rated as satisfactory.

[1] W. W. Hunter, *Bombay, 1885–1890*, p. 429.

[2] *The Hindu*, September 17, 1908, p. 23, col. 1.

[3] *Madras General Municipal Review, 1899–1904*, p. 3, 1902.

The chief criticisms are lack of interest on the part of the voters and members, manifesting itself in failure to attend the polls or meetings. Usually it is the non-officials who are criticized for lack of interest, but occasionally the official members themselves draw a rebuke for non-attendance.

Similar resolutions have been annually issued dealing with the district and local boards. Over two hundred millions of human beings are cared for by these organizations. The same elaborate array of figures is found in the resolutions on the rural areas as in those dealing with the municipalities.

In all India (except Burma) there were in 1912–13, 198 district boards with 5,032 members, of which 2,364 were elected.[1] In the same year there were 536 local boards and 8,005 members, 3,711 of whom were elected. The proportion of elected members[2] is lowest in Madras of all the provinces, except the Northwestern Frontier Province where there has been none since 1903–4.

There seems to be a general agreement that local self-government has not been a dazzling success. There are, however, wide divergencies in opinion as to the reasons. The natives say in the words of the *Hindu*, "The government in all matters of local self-government has yielded only under extreme pressure and put no heart into the experiments."[3]

"The extreme caution, bordering on unwillingness of government in giving effect to Lord Ripon's scheme of associating people very largely with government in local affairs cannot be justified, and answers to representations made on the subject have been extremely unsatisfactory."[4]

The progress of our local bodies is at a standstill, and in certain respects they are inevitably drifting backwards. The laws that regulate their working and the agencies by means of which those laws are worked are hampering their free growth in a variety of ways and since the time Lord Ripon planted them they have become dwarfed and stunted and incapable of expanding in the manner so generously contemplated by him. The noble aims and purposes of the government of the time were largely defeated by the laws that were enacted at a later stage and the objects and purpose of even those illiberal laws have been further defeated by designing officialdom, to whom the widest scope is given for successful execution of their sinister designs.[5]

[1] *Statesman's Year Book*, 1915, p. 123.

[2] *Hindu*, November 5, 1908, p. 23, col. 2.

[3] *Ibid.*, October 26, 1911, p. 22, col. 3.

[4] *Ibid.*, February 19, 1914, p. 15, col. 1.

[5] *Ibid.*, March 14, 1907, p. 11, col. 1.

At the other extreme are the views represented by Sir Macworth Young, lieutenant governor of the Punjab, who said:

> The people rarely manifest any interest in the election of their representatives, and the elected representatives rarely represent the real interests of their constituents. If any position on the Board is coveted it is that of the nominated, not of the elected members. . . . . The absence of a wholesome public spirit in the rural community lies at the root of this failure and until this want is supplied, local self-government in the rural tracts of the Punjab will be more or less of a farce.[1]

So it goes, one party blaming the attitude of the government for the shortcomings of the local bodies, the other blaming the people for their lack of interest.

The most authoritative and probably the best general summary of the working of local self-government is the following from the Parliamentary report of 1918:

> We have seen already that the hopes entertained of these bodies have not in the past been fulfilled. The avowed policy of directing the growth of local self-government from without rather than from within has on the whole been sacrificed to the need for results; and with the best intentions the presence of an official element on the boards has been prolonged beyond the point at which it would merely have afforded very necessary help, up to a point at which it has impeded the growth of initiative and responsibility.
>
> Municipal practice varies between provinces: some have gone farther in the direction of elected majorities, others in the direction of elected chairmen: Bengal has gone far in both directions. But, over much of the country urban self-government in the smaller towns still depends largely on official support and guidance. The elected members of the boards appear to have difficulty in facing the disfavor aroused by a raising of the rates, or a purification of the electoral roll, or drastic sanitary improvements, unless they feel that the district officer is behind them, and even when he is not a member of the board he is generally armed with powers of inspection and advice.
>
> In rural areas where people are less educated and less practiced in affairs and where the interests involved are diffused over large areas instead of being concentrated under their eyes every day, the boards are constituted on a less popular basis. Usually from three-quarters to one-half the members of the district boards are elected, and the electorate represents anything from ten to two per thousand of the rural population. The Decentralization Commission advise that the district officer should continue to preside over the district board

[1] A. Rogers, "The Progress of the Municipal Idea in India," *Imperial and Asiatic Quarterly Review*, 3d Ser., XIII (1902), 275.

because they did not wish to cut him off from the district interests, and were anxious to retain his administrative experience; and up till now the Central Provinces are the one province in which marked headway has been made in the direction of choosing the chairman by election.

Generally speaking, therefore, we may say that while within town areas elected town councils control the administration of their roads, schools, drainage, conservancy, lighting, and the like, the district officer is still at hand as a stimulus and a mentor; and in the more backward district boards he still plays an important part, because as chairman he directs the executive agency of the board. Rural education, dispensaries, sanitation, country roads, bridges, water-supply, drainage, tree planting, veterinary work, pounds, ferries, sarais, and the like are all matters which to a great extent he still administers, not primarily as a servant of the government but in behalf of, indeed in some provinces as the formerly elected president of, a popular body; and the commissioner above him exercises considerable supervision over the boards' proceedings.[1]

The reforms of Lord Ripon do not mark the end of municipal legislation in India, but they do close the story of the establishment of local self-government in India.[2] In most of the provinces the laws for the rural areas still stood at the outbreak of the world-war, though slightly modified in details by later minor amendments necessitated by growth in size and the development of new conditions of life. The municipal laws had suffered more severely, but even they still remained on the statute books as the fundamental municipal law. The most extensive alterations had been made in Bengal and Madras. In other of the provinces it had been thought simpler to pass new acts incorporating the new details instead of amending the old. The result had in effect been the same. To all intents and purposes the laws of the 1880's still stood, as far as the provisions for self-government were concerned. Their provisions had been found elastic enough to accommodate such progress as had been made.

[1] "Constitutional Reforms," *Parliamentary Papers*, pp. 103–4. East India, 1918.

[2] What may be regarded as a possible exception to the statement that there were no important changes made in the provisions for municipal or rural self-government is the Lower Burma Village Act of 1889 which made provisions for a village and police system in what is in many respects the most distinctive of the provinces. The provisions for self-government were, however, very slight. In fact the law and its later amendments were nothing more than police measures which authorized the deputy commissioner to appoint a headman for each village, who was bound to perform certain police functions.

The following table indicates the laws modifying or replacing the measures of Lord Ripon.

Province	Municipal Acts	Local Area Acts
Bengal	1894	1908
	1896	.....
	1910	.....
Bombay	1888	1888
	1899	.....
	1901	.....
	1902	.....
Burma	1888	1887 towns
	1891	1889 villages
	1892	1892 towns
	1894	1895 towns
	1895	1899 towns
	1898	1907 towns
	1902	1908 towns*
	1903	....
	1906	....
	1909	.....
Central Provinces	1889	.....
	1903	.....
Madras	1897	1890
	1899	1900
	1907	.....
	1909	.....
	1913	.....
Punjab	1891	1906
	1896	.....
	1900	.....
	1905	.....
	1911	.....
United Provinces (Northwestern)	1900	1890
	1901	1906

* The foregoing Burma acts are not really self-government measures in that they contain no privileges for popular control.

CHAPTER VIII

THE INDIAN NATIONAL CONGRESS

The origin of the Indian National Congress
- Western education
- Discontent

The call

The First Congress, Bombay, 1885
- Purposes announced
- Native estimates of the Congress

Specimen of the resolutions of the Congress

Features of the Congress movement
- Disregard of social issues
- Growth
- Elections
- Constitution, unwritten until 1906
- Sessions—favorite cities
- Expenses
- Language—English
- Predominance of lawyers and Brahmins

Kindred organizations in the provinces

Aloofness of the Mohammedans—Syed Ahmed Khan's influence

The right of the Congress to speak for India
- The position of the educated class
  - Numerical insignificance
  - Their influence on the masses, slight but growing
  - Their voice the only voice
- The influence of the Congress on the Indian Councils
  - Acts of 1892 and 1909

The attitude of the government toward the Congress—friendly interest changing to suspicious tolerance

English opinion on the conference
- Conservative antagonism and suspicion
- Liberal sympathy
- Radical support

The movement for Indian members in Parliament

Close on the heels of the reforms of Lord Ripon came in 1885 the first organized expression of native opinion, and what proved to contain the germ of a national consciousness. This was the Indian National

Congress, which has played one of the leading rôles in the steadily increasing agitation of the ensuing years, affording voluble outlet to discontent and something of a training ground for political agitators, and in recent years for political leaders.

The Congress[1] was begotten by the spirit of the times and its vitality indicates that it has satisfied a want. The roots of the movement are traceable ultimately to racial difference and the restlessness of a subjugated people, however light may be the yoke. There were, of course, in addition many secondary and contributing influences at work.

There was the rancor[2] of the educated idle misfits and, more immediately, the savage bitterness aroused by the Ilbert bill,[3] which sought to give the native magistrates jurisdiction over Europeans; the cynical distrust engendered by the repeal of the cotton duties, believed to be in the interest of the Lancashire mills; and the disappointed despair at having the age limit steadily reduced for admission to the examination in England whereby entrance to the higher grades of the civil service only could be gained, thereby virtually closing it to Indians laboring under the handicap of a foreign language.[4]

On the other hand, the movement was aided and inspired by English liberalism represented by Mr. A. O. Hume who was one of the original promoters of the movement and until 1897 its general secretary. The British government also was by no means antagonistic at the outset, thinking that it would afford a valuable safety valve and source of indispensable information regarding native opinion. Lastly, the spread of the English language itself supplied the common medium of communication which had hitherto been lacking.

[1] *Round Table*, December, 1917, p. 27. [2] *Fortnightly Review*, XL (1883), 410–11.

[3] *Loc. cit.* The purpose of the Ilbert Jurisdiction Bill was to confer on native magistrates powers which would put them on precisely the same level with their European colleagues. It aroused a tremendous excitement and race feeling rose exceedingly high before it was finally virtually abandoned. The name was taken from Mr. Ilbert who was in charge of the measure.

[4] During the fifty years from 1855 to 1906 there had been six changes in the age limit ranging from 17 to 19 in 1878 to 22 to 24 in 1906. They were as follows:

Years	Age Limit to Open Examination
1855–57	18–23
1860–65	18–22
1866–78	17–21
1878–91	17–19
1892–95	21–23

H.T. Prinsep, "The Indian Civil Service," *Nineteenth Century Review*, LXXIII (1913), 699.

It was with this background and these impulses that a group headed by Mr. Hume of the Indian Civil Service and Surendranath Bannerjea issued in March of 1885 the following call to hold a meeting of representatives from all parts of India at the then coming Christmas.

A Conference of the Indian National Union will be held at Poona from the twenty-fifth to the thirty-first, December, 1885. The conference will be composed of delegates, leading politicians well acquainted with the English language, from all parts of Bengal, Bombay, and Madras presidencies.

The direct objects of the conference will be: (1) to enable all the most earnest laborers in the cause of the nation to become personally known to each other; (2) to discuss and decide upon the political operations to be undertaken during the ensuing year.

Indirectly this conference will form the germ of a native parliament and if properly conducted will constitute in a few years an unanswerable reply to the assertion that India is still wholly unfit for any form of representative institutions. The first conference will decide whether the next shall be again held at Poona or whether, following the precedent of the British Association, the conference shall be held year by year at different important centers.

This year the conference being in Poona, Mr. Chipolonkar and others of the Sarvajanik Sabha have consented to form a reception committee in whose hands will rest the whole of the local arrangements. The Peshwah's garden near the Parbati Hill will be utilized both as a place of meeting [it contains a fine hall, like the garden, the property of the Sabah] and a residence for the delegates, each of whom will be there provided with suitable quarters. Much importance is attached to this since, when all thus reside together for a week, far greater opportunities for friendly intercourse will be afforded than if the delegates were [as at the time of the late Bombay demonstration] scattered about in dozens of private lodging-houses all over the town.

Delegates are expected to find their own way to and from Poona, but from the time they reach the Poona railway station until they again leave it everything that they can need: carriage accommodation, food, etc., will be provided for them gratuitously.

The cost thus incurred will be defrayed from the reception fund, which the Poona Association most liberally offers to provide in the first instance, but to which all delegates whose means warrant their incurring this further expense will be at liberty to contribute any sum they please. Any unutilized balance of such donations will be carried forward as a nucleus for next year's reception fund.

It is believed that exclusive of our Poona friends the Bombay presidency including Sindh and the Berars will furnish about twenty delegates, Madras and Lower Bengal each about the same number, and the Northwestern Provinces, Oudh, and the Punjab about half this number.[1]

[1] *Proceedings of the First Indian National Congress, Bombay, 1885*, 2d ed., Madras, 1905, p. iii.

An outbreak of cholera in Poona[1] caused the meeting place to be shifted to Bombay. Seventy-two self-selected delegates responded to the call. Mr. Bonnerjee was elected president. His inaugural address defined the purposes of the Congress as follows:

a) The promotion of personal intimacy and friendship amongst all the more earnest workers in our country's cause in the various parts of the empire.

b) The eradication by direct friendly personal intercourse of all possible race, creed, or provincial prejudices amongst all lovers of our country, and the fuller development and consolidation of those sentiments of national unity that had their origin in their beloved Lord Ripon's memorable reign.

c) The authoritative record after this had been elicited by the fullest discussion of the matured opinions of the educated classes in India on some of the more important and pressing of the social questions of the day.

d) The determination of the lines upon and the methods by which during the next twelve months it is desirable for native politicians to labor in the public interest.[2]

The Congress adopted a series of nine resolutions. Inasmuch as they were the first and were so closely followed by those of the following years they serve as good specimens of the "Congress Resolutions." They follow:

I. That this Congress earnestly recommends that the promised inquiry into the working of the Indian administration here and in England should be intrusted to a royal commission, the people of India being adequately represented thereon and evidence taken both in India and in England.

II. That this Congress considers the abolition of the Council of the secretary of state for India as at present constituted the necessary preliminary to all other reforms.

[1] *Proceedings of the First Indian National Congress, Bombay, 1885*, 2d ed., Madras, 1905, p. 9..

[2] What the press thought of the movement is illustrated by these excerpts:

Native Opinion, an Anglo-Marathi weekly of Bombay on January 3, 1886, said:

An experiment of very great significance to the political future of India was carried out in Bombay during the last week very successfully.—*Voice of India*, IV (1886), 46.

Indu Prakash, the Anglo Marathi paper of Bombay, on January 4, 1886, wrote:

On the whole the three days' record of work is such as the organizers of the Congress may well be proud of. What the practical outcome of all this labor will be it is not possible to say, but we cannot be very sanguine about it. Nevertheless the Congress cannot but be looked upon as an event of the highest significance and if it will not bring on any immediate advancement of our privileges it will not fail to yield many collateral advantages . . . . [We are ripe for such National Congresses or may be made so by their constant meeting.] such congresses must become a regular annual institution.—*Ibid.*, p. 49.

Amrita Bazar Patrika, an English weekly of Calcutta, on January 7, 1886, said:

Bombay held a National Congress the other day. We always object to giving big names to small things. We wish we had a National Congress.—*Ibid.*, p. 50.

III. That this Congress considers the reform and expansion of the supreme and existing legislative councils by the admission of a considerable proportion of elected members . . . . [and the creation of similar councils for the Northwestern Provinces and Oudh and also for the Punjab] essential; and holds that all budgets should be referred to these councils for consideration; their members being moreover empowered to interpellate the executive in regard to all branches of the administration and that a standing committee should be constituted to receive and consider any formal protests that may be recorded by the majorities of such councils against the exercise by the executive of the power which would be vested in it of overruling the decision of such majorities.

IV. That in the opinion of this Congress the competitive examinations now held in England for the first appointments in various civil departments of the public service should henceforth in accordance with the views of the India Office Committee of 1860 be held simultaneously, one in England and one in India, both being as far as practicable identical in their nature, and those who compete in both countries being finally classified in one list according to merit. And that successful candidates in India should be sent to England for further study and subjected there to such further examinations as may seem needful. Further that all other first appointments [excluding peonships and the like] should be filled by competitive examinations held in India under conditions calculated to secure such intellectual, moral, and physical qualifications as may be decided by government to be necessary. Lastly that the maximum age of candidates for entrance into the Covenanted Civil Service be raised to not less than 23 years.

V. That in the opinion of this Congress the proposed increase in the military expenditures of the empire is unnecessary and, regard being had to the revenues of the empire and the existing circumstances of the country, excessive.

VI. That in the opinion of the Congress, if the increased demands for military expenditure are not to be, as they ought to be, met by retrenchment they ought to be met firstly by the reimposition of the customs duties, and secondly by the extension of the license tax to those classes of the community, official and non-official, at present exempted from it, care being taken in the case of all classes that a sufficiently high taxable minimum be maintained. And further that this Congress is of the opinion that Great Britain should extend an imperial guaranty to the Indian debt.

VII. That this Congress deprecates the annexation of Upper Burmah and considers that if the government unfortunately decides on annexation, the entire country of Burmah should be separated from the Indian viceroyalty and constituted a Crown Colony as distinct in all matters from the government of this country as is Ceylon.

VIII. That the resolutions passed by this Congress be communicated to the political associations in each province and that these associations be

requested with the help of similar bodies and other agencies within their respective provinces to adopt such measures as they may consider calculated to advance the settlement of the various questions dealt with in these resolutions.[1]

Section IX provided for the next meeting of the Congress at Calcutta, December 28, 1886.

It is noteworthy that these resolutions eschew social questions and confine themselves closely to political grievances. This policy has been strictly adhered to, principally because of the fear of stirring into irreconcilable flame any more animosities than could be helped. It has also been charged that this avoidance of all but political issues has been due to a hypocritical disinclination to molest the social ulcers of the Indian system while agitating against the English political dominion. This is by no means fair, for the same men and the same classes have supported the various social reform associations and organizations, especially the Indian National Social Conference which frequently holds its sessions in close proximity territorially and temporally with the political Congress.[2]

From the Bombay beginning the Congress grew rapidly,[3] at the next session at Calcutta there were 412 delegates, and the year after at Bombay, 607. The numbers have since fluctuated greatly according to the proportion of delegates allowed. The highest number of delegates was that of 1889 at Bombay just prior to the reduction in the proportion of representation because of the problem of furnishing entertainment. As a rule the delegates number in the vicinity of four hundred, but the visitors reach eight thousand or more.

For years[4] there was no formal provision whatever for elections, and even now under the constitution of 1908 it is at most a more or less informal designation by local bodies of one description or another. In many cases it has been simply a question of who could be found willing to undergo the toil and expense of the journey to the sessions.

No attempt has been made to divide the country into equal electoral districts. Until 1890 there was no attempt to restrict the number of

[1] *Proceedings of the First Indian National Congress*, 2d. ed., pp. 1–2.

[2] Regarding the question of discussing social questions, *Native Opinion*, the Anglo-Marathi weekly of Bombay on September 4, 1887, expressed the general opinion, "The last Congress acted very wisely in deliberately not taking up social questions. These are not national, but sectarian and are likely to raise much bad blood . . . . to introduce them [would be a mistake] as fatal as introducing religious topics into such assemblies."—*Voice of India*, V (1887), 453.

[3] *Parliamentary Debates*, 4th Ser., Vol. III (1892), col. 71.

[4] R. S. Watson, "Indian National Congresses," *Contemporary Review*, LIV (1888), 91–92.

delegates sent by any particular locality. Where the inhabitants of any town were interested in the matter they held a meeting to elect representatives; where any association chose to do so, it held a general meeting of its members with a similar object. The association might be large or small; the public meeting in one place might be attended by hundreds, in another by thousands. No attempt was made to force or formulate the representation; it was all allowed to develop in its own way, and thus to be a representation of those actually interested in the matters to be discussed.

In the beginning[1] there was no written constitution, and aside from the standing Congress Committee inaugurated in 1886[2] the Congress was conducted according to custom and unwritten rules until April, 1908, when a written constitution was adopted at a meeting of the Convention Committee held at Allahabad, as the result of the tumultuous disruption of the Congress at the Surat session in 1907 and the agitation for a written constitution conducted by the more progressive and radical element.

The sessions[3] of the Congress have been held annually in one or another of the great cities of India. Calcutta, Madras, Bombay, and

[1] *Bombay Gazette* (weekly), July 20, 1908, p. 3, col. 1.

[2] *Report of the Indian National Congress, 1887*, p. 9.

[3] The following is a summary of the sessions of the Congress during the years 1885–1914.

Year	Place	Delegates	President
1885	Bombay	72	W. C. Bonnerjee
1886	Calcutta	440	Dadabhai Naoroji (Parsi)
1887	Madras	607	Budrudin Tyabji (Mah.)
1888	Allahabad	1,248	Mr. George Yule (Eng.)
1889	Bombay	1,590	Sir William Wedderburn (Eng.)
1890	Calcutta	677	Pherozshah Mehta
1891	Nagpore	812	P. Ananda Charlu
1892	Allahabad	625	W. C. Bonnerjee
1893	Lahore	867	Dadabai Naoroji (Parsi)
1894	Madras	1,163	Alfred Webb, M.P. (Eng.)
1895	Poona	1,584	Surendranath Banerjee
1896	Calcutta	784	Rahimtulla Mohammad Syani (Mah.)
1897	Amraoti	692	C. Sankara Nayar
1898	Madras	614	Ananda Mohun Bose
1899	Lucknow	1,000	Romesh Chunder Dutt
1900	Lahore	567	Sir Narayan Chandarakar
1901	Calcutta	896	Denshaw Eduljee Wacha
1902	Ahmedabad	471	Surendra Nath Banerjee
1903	Madras	538	Lal Mohan Ghose
1904	Bombay	1,010	Sir Henry Cotton (Eng.)
1905	Benares	757	Mr. G. K. Gokhali
1906	Calcutta	1,663	Dadabhaii Naorji (Parsi.)
1907	Surat	1,200	Dr. Rash Behari Ghosh
1908	Madras	626	Dr. Rash Behari Ghosh
1909	Lahore	243	Madan Mahan Malavyea
1910	Allahabad	450	Sir William Wedderburn (Eng.)
1911	Calcutta	440	Bishan Narayan Dar
1912	Bankipore	160	Rao Bahadur Mugholkar
1913	Karachi	550	Nawab Syed Muhammad (Mah.)
1914	Madras	866	Bhupendra Nath Basu

Allahabad have been the favorites. The expenses have from the start been borne, aside from a tax on the delegates, by voluntary contributions,[1] either of the delegates themselves or by subscription in the places represented.[2] They have come from the humblest coolies as well as from Rajahs. Perhaps no other fact affords stronger proof of the hold the Congress has, unless it be the crowds and the toilsome distances travelled by some.

The expenses are not light. In many cases there has been the cost of the building of a hall to accommodate the meetings of the Congress. There has always been the cost of entertaining the delegates.

> Food, servants, lights, furniture, medical treatment and accommodation generally, in every case suitable to the creed, caste, and class of the several delegates had to be provided—a task not only involving much expense but looking to the extraordinary differences in habits and customs that prevail among the people, demanded an incredible amount of foresight and organization.[3]

To all this must be added the cost of reporting, printing, and distributing a verbatim account of the proceedings of the Congress.

The speeches of the Congress are made and its business conducted in English. There have been from time to time, occasional suggestions that some one or another of the various languages of India would be more suitable for an Indian gathering, but without result. As a rule these proposals are made for the adoption of the particular tongue of the person who advocates the change. As a matter of fact, so far English, inasmuch as its acquisition is necessarily involved in all higher education, furnishes a *lingua franca* for the educated classes who make up the Congress.[4]

[1] R. S. Watson, *op. cit.*, p. 91.

[2] *Report of the Indian National Congress, 1887*, p. 11.

[3] R. S. Watson, *op. cit.*, p. 91.

[4] Some of the broader views of the vernacular side of the language question are represented by the following quotations.

The *Mahratta*, the English weekly of Poona of September 4, 1887, said:

> The proceedings of the last two Congresses were carried on in English and it may be necessary to pursue the same course until a *lingua franca* for India grows up; but there is no reason why a commencement should not be made. The propositions must be framed in Hindu—a language which can be understood in most parts of the empire and must be put to the meeting in that language.

The *Indian Spectator*, an English weekly in Bombay, on November 27, 1887, said:

> We think it is also a mistake to insist upon English alone being used by the speakers. With one or two competent interpreters it would be possible to hear some of the best views on problems of the day by indigenous thinkers.—*Voice of India*, VI (1887), 452–562.

As is true in politics the world over, a preponderating proportion of the delegates of the Indian National Congress have always been lawyers,[1] for instance, at least twenty-two of those who attended the First Congress were of that profession.

In the provinces[2] the Congress has its counterparts in annual conferences modelled on the lines of the larger body and discussing very much the same subjects.[3]

From the inception of the movement, the great thorn in the side of the Indian National Congress has been the attitude of the Mohammedans. At first it was in part due to the relative fewness of educated members of the community who had the training and background requisite to share the ideals of the Congress. At the time these few were largely under the domination of their great leader, Syed Ahmed Khan, the founder of the Allyghur Mohammedan University.[4] His attitude, at first uncertain, crystallized into opposition, and in 1887 he delivered a polemic against the National Congress.[5] Thereafter the mass of the Mohammedans and most of their leaders had nothing to do with the Congress, although there have always been some, at times hundreds, in attendance.

Religious antagonism also has contributed powerfully toward keeping the Mohammedans in general outside of the Congress. Even when in recent years a western educated *intelligentsia* had arisen among the Mohammedans and the need felt for some political organization became pressing, instead of joining forces with the Congress, the Mohammedans created, in 1906, the All India Moslem League.

The claims of the Indian National Congress to represent all classes, races, and religions of educated India are technically correct in that representatives of most of them do at times attend its sessions. Three Englishmen, Mr. Yule, Sir Henry Cotton, and Sir William Wedderburn, three Mohammedans, Mr. Budrudin Syabaja, Mr. Syani, Nawab Syed Muhammed, and a Parsi, Dadabhai Naoroji, have been presidents of its sessions.

Representatives[6] of the aristocracy and the lower classes, commercial men, lawyers, professors, doctors, come to it. English, Eurasians,

[1] *Proceedings of the First Indian National Congress*, pp. 4–5.

[2] *Voice of India*, VII (1889), 345.

[3] *Bengales*, April 11, 1912, p. 5, col. 1; *ibid.*, April 2, 1914, p. 2, col. 7.

[4] Sir Henry Cotton, *New India or India in Transition*, pp. 231–33.

[5] John Morley "Signs of the Times in India," *Edinburgh Review*, CCVI (1907), 299–300.

[6] R. S. Watson, *op. cit.*, p. 92.

Parsis, Hindus, Mohammedans, Sikhs, and native Christians are among the delegates. Broadly speaking, however, the Congress is predominantly Hindu and confined to the educated classes (the "microscopic minority") which means in the majority of cases the Brahmins[1] who always have a plurality of the delegates.

Whatever the real merits of the claims of the Congress to speak for India, there is no doubt that inasmuch as theirs is practically the only voice raised it is generally and uncritically taken as representing the demands of India. Since the birth of the All India Moslem League, the Congress has been obliged to divide the honors, but in so far as their expressions of opinion coincide, to that extent is their authority strengthened. Certainly the government does not pretend to disregard or ignore them. There have been but few measures passed since the inauguration of the Congress movement which have been of a political nature, but those few bear unmistakably the earmarks of the Congress.

The debates in Parliament thoroughly bear out the statement of Mr. McNeill that "The four principles now embodied in the Bill [the Indian Councils Act of 1892] are mainly due to the Indian National Congress."[2] It would be idle to pretend that the Morley-Minto reforms of 1907–9 were uninfluenced by the expressions of opinion in the Congress and by its leaders.

At the start[3] the government did not discourage the Congress movement. Lord Dufferin in the Calcutta session of 1886 gave a garden party

[1] See "List of Delegates" in Appendixes to the *Annual Reports of the Congress*.

The Congress leaders have not by any means been all Brahmins, however. There are many—certainly a plurality of the Brahmins—among the castes represented at the sessions of the Congress. For instance, men like Mr. Tilak of Poona, the editor of the *Kesari* and leader of the radicals; Mr. Gokhale, one of the leading moderates; and Mr. W. C. Bonnerjee, the president of the first Congress; and Mr. B. Chatterjee, his partner in starting the *Bengalee*, as well as Mr. Surendra Nath Bannerjea, who became the owner of that paper in 1878 are all Brahmins.

On the other hand, there are many among the leaders of the Congress who are not Brahmins. Of these there may be mentioned the Ghose family, the proprietors and editors of the *Amrita Bazar Patrika*, Mr. K. G. Gupta, the first Hindu on the Council of India; Romesh Dutt, the Hindu on the Decentralization Commission; Mr. Sinha, the first native member of the Executive Council of the governor-general of India; Mr. Bipin Chandra Pal; Mr. Krishna Varma; Mr. Jogendra Nath Bose, the editor of the *Bangabasi*, the first paper prosecuted for sedition (1891); Ajit Singh and Lajapat Rai, the deportees of 1907; and Arabinda Ghose.—S. M. Mitra "Analysis of Indian Unrest," *Fortnightly Review*, XCV (1911), 146–147.

[2] *Parliamentary Debates*, 4th Ser., Vol. III (1892), col. 93.

[3] *Voice of India*, V (1886), 4.

to the delegates, met some twenty of them at a private interview, and talked with the president, Dadabhai Naoroji, separately. In 1890[1] Lord Lansdowne took the step of removing the interdict on the attendance of members of the civil service as visitors and spectators.

The government was not, however, prepared for the vigorous pressing by the Congress for the fulfillment of its program, and the official attitude speedily changed to one of tolerant suspicion, if not of antagonism. In a celebrated speech at Calcutta on November 1, 1888, Lord Dufferin said after a description of the relative fewness of the educated or Congress element in the population of India:

> How could any reasonable man imagine that the British government would be content to allow this microscopic minority to control the administration of that majestic and multiform empire for whose safety and welfare they are responsible in the eyes of God and before the face of civilization? It appears to me a groundless contention that it represents the people of India. Is it not evident that large sections of the community are already becoming alarmed at the thought of such self-constituted bodies interposing between themselves and the august impartiality of English rule?[2]

In 1904[3] Lord Curzon displayed the same attitude by refusing to receive the resolution of the Congress at the hands of its president, Sir Henry Cotton, though for his own sake he expressed willingness to meet him personally, and insisted that the custom of sending the messages to the government be followed.

In 1907 even the liberal John Morley wrote the following:

> A prominent cause of the unrest among the educated Hindus is the Indian National Congress movement. This association was started in 1885, and has held an annual meeting ever since in various parts of India. While it has given the loyal an opportunity of discussing the needs of India and of expressing their political aspirations, it has also served as a center for the disaffected and the tendency has increased for the tone of the latter to dominate the proceedings of the whole. The members are practically self-elected and include all who have time, money, and inclination to travel to the annual place of meeting and who are in no sense the authoritative representatives of even the educated class. If the Congress had devoted its energies to social amelioration, to female education, to the extension of elementary education among the masses, to the development of trade and commerce, much good might have been effected. Its aims, unfortunately, have been almost exclusively set upon weakening the very government which has secured peace and growing prosper-

[1] *Parliamentary Debates*, 4th Ser., Vol. III (1892), col. 73.

[2] *Ibid.*, col. 90.

[3] *Bombay Gazette* (weekly), January 14, 1905, p. 4, col. 1.

ity for all India. The repeal of the Arms Act, which the Congress advocates, would multiply beyond measure crimes of violence, whether due to robbery, to private hate, or to political conspiracy.[1]

English opinion of the Indian National Congress has been much the same throughout. The Liberals have mildly approved, the Radicals have applauded, and participated, and the Conservatives have frowned with suspicion. Mr. Samuel Smith represents the liberal opinion saying:

For several years great representative assemblies have been held in India under the name of the Indian National Congress. Every one who has read the proceedings of that body will allow that for wisdom, moderation, and loyalty, they would do credit to this Parliament itself, or to any legislative assembly in the world. Now, Sir, this National Indian Congress is a very great political factor, a factor of the first magnitude; it cannot be ignored. It has raised in the most moderate and constitutional manner serious demands, and the principal of these—it may be said to lie at the basis of all the others—is one for elective representation in the great councils of India. That is a loyal and constitutional demand which we must deal with sympathetically if we wish to retain the good will of the large body of the people of India. Unless we do so, we are preparing for ourselves a time of trouble in India, when seditious agitation may take the place of constitutional action.[2]

The more radical view is represented by the following contemporary English estimate of the Congress in 1885:

The importance of the meeting cannot be estimated by the numbers who attended it. It must be the first time that an attempt has been made to obtain united political action from the various races and religions which make up the people of our great Indian dependency. It was the beginning of a movement which our generation will not see the end of, but which must be fraught with momentous consequences for England and India alike. Whether they shall prove alike happy for both lands or shall be disastrous to either or to both depends upon the wisdom, patience, and forbearance, which are mutually practised.[3]

In the same tone is also the following of 1886:

Now, this Congress is to my mind one of the most extraordinary occurrences that are to be found during the period of British rule in India. Many may dislike it, but it would be the merest folly to underrate its profound importance. It is like the handwriting on the wall of Belshazzar's palace. It shows that the time has passed when the paternal despotism we have hitherto maintained in India could satisfy the new life and the new desires which the English language

[1] "Signs of the Times in India," *Edinburgh Review*, CCVI (July–Oct., 1907), 292.

[2] *Parliamentary Debates*, 4th Ser., Vol. I (1892), cols. 82–83.

[3] R. S. Watson, *op. cit.*, pp. 89–90.

and English literature have breathed into the population. The voices which tell us of this great fact are altogether friendly. The debt of gratitude is freely admitted, and they only call upon us to worthily complete the work which has been begun. It rests with the people and their leaders in this country to determine the character of the response that shall be given to the appeal thus made from India.[1]

Representing the conservative attitude the *Times* in 1886 said:

The first question which this series of resolutions will suggest is whether India is ripe for the transformation which they involve. If this can be answered in the affirmative the days of English rule are numbered. If India can govern itself our stay in the country is no longer called for. All we have to do is to preside over the construction of the new system and then leave it to work. The lawyers and schoolmasters and newspaper editors will step into the vacant place and will conduct affairs with no help from us. Those who know India best will be the first to recognize the absurd impracticability of such a change. But it is to nothing less than this that the resolutions of the Congress point. If they were carried out the result would soon be that very little would remain to England except the liability which we should have assumed for the entire Indian debt. . . . .[2]

Do what we will the government of India cannot be made constitutional. The educated classes may find fault with their exclusion from full political rights. Political privileges they can obtain in the degree to which they prove themselves deserving of them. But it was by force that India was won, and it is by force that India must be governed, in whatever hands the government of the country may be vested. If we were to withdraw it would be in favor, not of the most fluent tongue or the most ready pen, but the strongest arm and the sharpest sword. It would perhaps be well for the members of the late Congress to reconsider their position from this practical point of view.

Less restrained is this opinion of seven years later.

The Congress craze, with the contemplated wholesale creation of native functionaries for posts hitherto held by Europeans, and the wholesale reduction of British troops, is more deplorable even than this opium folly. And not only is it deplorable but the English Parliamentarians who support it are thereby convicted of glaring inconsistency; for whereas they complain in this country of a "caste" ascendancy, which is merely a figure of speech assumed for purposes of political chicanery, they are, in supporting the Congress, supporting the most rigid and barbarous "caste" ascendancy the world has ever seen in its efforts to recover its lost position. Apart from the Brahminical element the Congress is not even a skeleton, it is nothing but a shadow. These

[1] John Slagg, "The National Indian Congresses," *Nineteenth Century Review*, XIX (1886), 710.

[2] *Hindu*, January 16, 1908, p. 1, col. 1.

Brahmins do not represent India, but merely Brahminism, which is a very different thing. Before the comparative freedom which has followed on the imposition of English rule, the Brahmins were the hereditary priests and judges and law-makers of the land, and all the castes below them they ruled with a rod of iron. . . . . [It is] . . . . just at the time too when they are clamoring for the abolishment of so-called "castes" at home, that certain inconsistent Gladstonians are helping forward with all their might and main a movement to rivet once more the chains of Brahminism upon the helots of India, by handing over to that sect supreme control of the civil and judicial administration. This in plain words is what the Congress demands would mean if complied with—the resumption by the Brahminical caste of the control of the law and its administration, and the administration of that law in the interests of Brahminism, and not of the Indian people as a whole.[1]

One of the interesting minor and abortive developments of the spirit that produced the Congress was a movement, during the latter half of the eighties and first half of the nineties, on the part of Indians to seek seats in Parliament.

The first attempt was that of Lal Mohan Ghose,[2] an educated Bengali, later the president of the Madras Congress of 1903. The Liberals of Deptford chose him as their candidate in the general election of 1885. He was beaten 3,560 to 3,927, or a majority of 367 votes.

Lal Mohan Ghose tried again in the general election of 1886 in company with Dadabai Naoroji, a Parsi of Bombay, "The Grand Old Man of India," of the period of later agitation. Deptford Liberals again nominated Mr. Ghose, and Mr. Naoroji stood for the Liberals in Holburs. Both were beaten.

Mr. Naoroji made another trial[3] in the general election of 1892 and was elected by the Gladstonians of Central Finsbury, by a majority of three, over Captain Penton. Aside from a graceful speech on the occasion of the debates on the address to the Crown, Mr. Naoroji played but little part, largely no doubt because the Indian Councils Act of 1892 had returned Parliament to its somnolence as far as India was concerned.

Mr. Naoroji ended the movement. The course of events turned the political aspirations to India itself, where, if glory was less, the newly constituted Provincial Legislative and the Imperial Legislative Councils afforded a cheaper and more prominent prospect of success. English opinion too was none too favorable to the practice.

[1] *English Opinion on India*, N.S., II (1893–94), 354–55. "Brahmins, the Congress and the Radicals," *The Bradford Daily Organ*, February 6, 1894.

[2] *Voice of India*, IV (1886), 300–301.

[3] *London Times*, July 30, 1892, p. 9, col. 4; *ibid.*, July 22, 1892, p. 7, col. 2.

W. H. Gregory wrote in the *Nineteenth Century* in 1886:

There is one matter for congratulation, and that is the signal defeat of those natives of India whose ambition fired them with the desire of entering the English Parliament. The time may come when India and our colonies may send representatives to England with mutual advantage, but how that is to be effected is still in the uncertain future. We do not require Indians to throw themselves into our political struggles and to pronounce their opinions either on home questions or our foreign policy, neither is it advisable that Indian affairs should be made the football as it were of party conflict.[1]

The question of whether the Congress faithfully represents the view of India is of the same piece with the question as to how far the educated classes of India can be regarded as representative of India and entitled to speak for the masses.

Neither the census reports on the one hand nor the political literature, on the other, are reliable gauges. It is probably, for the present generation, an impossibility to see the educated classes in their right relations to the rest of the country.

The assumption that the interest of the ryot must be confided to official hands is strenuously denied by modern educated Indians.[2] They claim that the European official must, by his lack of imagination and comparative lack of skill in tongues, be gravely handicapped in interpreting the thoughts and desires of an Asiatic people.

Against this it is argued that, in the limited spread of education, the endurance of caste exclusiveness and of usages sanctioned by caste, and in the records of some local bodies, may be found reasons which suggest that the politically minded classes stand apart from it and in advance of the ordinary life of the country and have no right to speak for the inarticulate millions whose wants are exceedingly few and whose limited horizon encompasses none of the political demands vociferated by the Congress. And there is much color for the English conservative assertions[3] that

the Congress party[4] is not only very small in proportion but it is not even representative of the people as a whole. The native aristocracy stands aloof

[1] W. H. Gregory, "Loyalty of the Indian Mohammedans," *Nineteenth Century Review*, XX (1886), 889.

[2] "Constitutional Reforms," *Parliamentary Papers*, p. 116. East India, 1918.

[3] A. Sawtell, "The Political Situation in India," *Proceedings of the Royal Colonial Institute*, XXXVII (1905–6), 296.

[4] In 1892 Sir Richard Temple even went so far as to say in Parliament regarding the Congress party, "They have no influence at all among the masses of the people. They are looked upon as semi-foreigners with perhaps few of their merits. They are not popular."—*Parliamentary Debates*, 4th Ser., Vol. III (1892), col. 100.

from its activities, and the masses of the people are necessarily indifferent. "Young India" as it manifests itself in the Congress propaganda is pursuing aims in which the vast majority of the people feel no concern. The Indian people as a whole ask only to be governed, not to govern themselves. They are silent and unmoved by this superficial wave of what has been termed political unrest. They form the mile-and-mile depth of the calm water of the ocean of Hindu humanity which the surface waves can never stir into action.

Against these views the educated Indians contend that

there can be no greater mistake than to imagine that the influence of this class [educated] in the country is proportional only to its numbers. In the first place, these men constitute what may be called the brain of the community. They do the thinking, not only for themselves but also for their ignorant brethren.

Moreover, theirs is the Indian press—both English and vernacular—and the vernacular press shapes the thoughts and sways the feelings not only of the fifteen million "literates in vernaculars" whom it reaches directly, but also many more millions who come indirectly under its influence. And whatever public opinion exists in the country reflects almost entirely the views of the educated classes.

The officials sometimes look to old historic families which in more turbulent times supplied leaders to the country to exert a rival influence; but they have now lost their former hold on the public mind, because in these days of peace and of transition, rusty broken swords cannot compete with ideas in importance and power. The influence of the educated classes with their countrymen is thus already very great and is bound every day to grow greater and greater.[1]

[1] G. K. Gokahle, "Self-Government for India," *Imperial and Asiatic Quarterly Review*, 3d Ser., XXII (1906), 235.

CHAPTER IX

THE INDIAN COUNCILS ACT OF 1892

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Out of the transformation going on in the native world, the growth of the educated class, and all the forces which had contributed to bring to birth the Indian National Congress came another series of reforms. This time it was Parliament that was called upon to act and, moreover, a conservative Parliament that finally passed the measures. The laws passed at the initiative of Lord Ripon had carried the political development as far as it was legally possible for any legislative body in India to do, and had been made elastic enough to accommodate such local political development as was taking place. It was in the larger fields of the provincial and imperial governments that the pressure of the government was felt to be ill distributed.

It is of the greatest significance that in the new proposals native demands for the first time seem to have been a perceptible influence. It would be too much to say that the reforms of 1892 were brought about by the Congress or the educated classes, but there is a singular similarity

to the proposals of that body and the measures finally adopted. At the very first session of the Indian National Congress (1885) the third resolution in the list urged a reform of the legislative councils.

K. T. Toland, of the Bombay Legislative Council, in speaking on the resolution,[1] asserted that the Punjab and the Northwestern Provinces and Oudh ought to have legislative councils, and the others ought to be reformed in the matter of appointments. His praise of Ripon for calling Babu Kristodas Pal and Mr. Pyari Mohan Mukerji indicates that the type of member advocated was the educated rather than princes and large landowners. He urged that at least one-half of the members should be elected. He went on to suggest as constituencies municipal corporations, chambers of commerce, the universities, well-established political associations, and the rural and municipal boards. He also advocated an extension of the budget discussion to more than the new measures of taxation to which Lord Northbrook had restricted it. He proposed the right of interpellation as well as giving the government an opportunity for quieting discontent by explanations and affording means of drawing attention to abuses. He said, moreover, in important cases there was needed a right to send protests to the House of Commons.

S. S. Iyer, of the Madras Legislative Council, also in the First Indian National Congress on the same resolution, said:

> The actual working of these councils is enveloped in somewhat of a mystery and to one outside of it it is a puzzle how it is that the non-official members are so little able to do good of any kind. . . . . It was not till I myself became a member of the Madras Council that I saw how unjustly our friends in the Council were censured in the majority of instances and what little influence they possessed in the Council either for good or for evil. . . . . The misfortune is that these non-official members are not allowed to feel any responsibility, and even if one of them assume it, no opportunity is given them to render themselves useful.[2]

He went on to say they never possessed a representative character and were so worked as to render them by no means efficient even as exponents of official opinion.

> The functions of these councils are limited to registering the decrees of the executive government and stamp them with legislative sanction. . . . .
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> I am sceptical whether any material good will result from these councils, so long as the present system of the executive settling beforehand for all practical purposes and in an irrevocable manner the principle of all measures that are introduced into these councils is maintained.

[1] *Proceedings of the Indian National Congress*, 1885, p. 28. [2] *Ibid.*, pp. 31, 32.

There was, he said, no difficulty in getting suggestions adopted if they related only to details, and he concluded:

I must do the government justice to say that not only are they anxious to hear non-official opinion but they also try to adopt it as far as possible consistent with the principle of the measure.

It should not be overlooked, however, that in the same year, 1885, Lord Robert Churchill in introducing the Indian budget[1] promised a full administrative reform of India, a fact which shows that the Indian government had itself perceived the need for readjustment. It would seem, however, that the Congress at least indicated the channel through which the purpose of the government should take its expression.

The reform proposals were given their first tentative public form when, in 1887 at Calcutta, Lord Dufferin delivered a speech on the occasion of the Queen's Jubilee expressing the desirability of reconstituting the legislative councils and enlarging their functions.

He sent home in November, 1888, a dispatch containing more definite proposals for which he said:

I do not mean that votes should be taken in regard to the various items of the budget or that the heads of expenditure should be submitted in detail for the examination of the Council but simply that an opportunity should be given for a full, free, and thorough criticism and examination of the financial policy of the government. Some such change as this would, I think, be as beneficial to the Indian administration as it would be in accordance with the wishes of the European and native mercantile world of India. At present the government is exposed to every kind of misapprehension and misrepresentation in regard to the figures and the statement of their results. Were the matter to be gone into thoroughly and exhaustively on the occasion I suggest by independent critics who, however anxious to detect a flaw and prove the government wrong, would be masters of their subject and cognisant of the intricacies of Indian administration, the result would be more advantageous to the financial reputation of the Indian government as well as more conducive to improve her financial system than the perfunctory debates of the House of Commons and the imperfect criticism of Indian finances by some English newspapers.[2]

Lord Lansdowne took up the function of the viceroyalty in 1888. He proceeded to consult the local governments with results which he thus formulated:[3]

Our communications with the local governments disclosed a certain amount of variety of opinion, although the divergence was within compara-

[1] *Parliamentary Debates*, 4th Ser., Vol. III (1892), col. 94. [2] *Ibid.*, cols. 55–56.

[3] *Proceedings of the Legislative Council of the Governor-General of India*, XXXII (1893), 102–3.

tively narrow limits. . . . . He found a complete consensus of opinion on the part of all local governments consulted in favour of the view that the councils might with advantage be enlarged and that it was desirable to increase their authority and to give them a constitution under which they would be able to afford to the provincial governments a larger measure of assistance and support.

There was another point upon which the consensus of opinion of the local governments was equally noticeable. It was felt by all of them that what was desirable was to improve the present councils rather than to attempt to put in their place bodies comprising a large number of persons and possessing the attributes of parliamentary assemblies of the European type.

These proposals were finally formulated into a bill which ultimately became the Indian Councils Act of 1892. It experienced, however, a checkered career. It[1] was introduced in the first instance in the House of Lords in 1890.[2] It was then read a second time, and went through the ordeal of a committee. At the suggestion of Lord Northbrook and Lord Herschell, certain amendments were made in the bill, to which the Lords agreed and passed it on to the Commons, where, however, the pressure of business prevented it from being passed through either in that year or in 1891, although on July 21, 1890, it almost came up on the orders of the day. It was dropped on August 5.

The following are the important sections of the Indian Councils Act of 1892:[3] June 20,

I. (1)[4] The number of additional members of Council nominated by the governor-general under the provisions of Section 10 of the Indian Councils Act, 1861, shall be such as to him may seem from time to time expedient, but shall not be less than ten nor more than sixteen, and the number of addi-

[1] *Parliamentary Debates*, 3d Ser., Vol. CCCXLVII, 1891, cols. 361, 1996.

[2] The noteworthy event in connection with the course of the bill during the session of 1890 was the introduction on February 12 of an amendment bill by Mr. Bradlaugh. As was to be expected from its authorship, it was a radical measure providing for a much larger electorate and more extensive powers for the councils than the government bill. Mr. Bradlaugh introduced a similar bill in the next session but his death terminated whatever slim prospects his ideals had of being realized, or even seriously considered when the Indian Councils Act finally reached the stage of actual debate in 1892. It is to be noted, however, that both of Mr. Bradlaugh's bills were based to a considerable extent on the recommendations of the special committee of the Congress.—*Parliamentary Debates*, *passim*, 1890, 1891; *Report of the Indian National Congress*, 1891–93, Appendix II, p. liii.

[3] February 9: Lord Cross presented the bill; read first time. February 15: read second time; both Liberals and Conservatives unite to press the bill. February 19: bill reported. February 22: read third time and sent to Commons. February 22: read first time in Commons. March 28: read second time and committee. April 11: committee reported. April 25: committee reported. May 6: committee reported. May 26: read third time and passed. June 20: royal assent.—*Parliamentary Debates*, 4th Ser., Vol. I (1892). See Index.

[4] P. Mukherji, *Indian Constitutional Documents, 1773–1915*, pp. 184–88.

tional members of Council nominated by the governors of the presidencies of Fort St. George and Bombay respectively under the provisions of Section 29 of the Indian Councils Act of 1861, shall [besides the advocate-general of the presidency or officer acting in that capacity] be such as to the said governors respectively may seem from time to time expedient, but shall not be less than eight nor more than twenty.

(2) It shall be lawful for the governor-general in council by proclamation from time to time to increase the number of councillors whom the lieutenant governors of the Bengal Division of the presidency of Fort William and of the Northwestern Provinces and Oudh respectively may nominate for their assistance in making laws and regulations: Provided always, that not more than twenty shall be nominated for the Bengal Division, and not more than fifteen for the Northwestern Provinces and Oudh.

(3) Any person resident in India may be nominated an additional member of Congress under Sections 10 and 29 of the Indian Councils Act, 1861, and this Act, or a member of the Council of the lieutenant-governor of any province to which the provision of the Indian Councils Act, 1861, touching the making of laws and regulations, have been or are extended or made applicable.

(4) The governor-general in council may from time to time, with the approval of the secretary of state in council, make regulations as to the conditions under which such nominations, or any of them, shall be made by the governor-general, governors, and lieutenant governors respectively, and prescribe the manner in which such regulations shall be carried into effect.

. . . . . .

V. The local legislature of any province in India may from time to time, by acts passed under and subject to the provisions of the Indian Councils Act, 1861, and with the previous sanction of the governor-general but not otherwise, repeal or amend as to that province any law or regulation made either before or after the passing of this Act by any authority in India other than that local legislature. Provided that an act or a provision of an act made by a local legislature, and subsequently assented to by the governor-general in pursuance of the Indian Councils Act, 1861, shall not be deemed invalid by reason only of its requiring the previous sanction of the governor-general under this section.

The rules framed under the Indian Councils Act of 1892 were delayed by a difference of opinion between the secretary of state and the government of India as to whether officials should be ineligible for election or, to use the strictly correct term, for "recommendation." The rule against their re-eligibility was finally dropped and the rules issued.

The regulations authorized by this act were embodied in No. 19, dated June 23, 1893,[1] of the *General Statutory Rules and Orders*. The

[1] *General Statutory Rules and Orders*, I (1907), 14 *et seq.* Cited from the *Gazette of India*, 1897, Part I, p. 345.

most important provisions dealt with the three main aspects of the changes. Regarding the composition of the bodies it was prescribed that not more than six of the additional members of the Legislative Council should be officials. One each of four seats in that body was to be filled respectively by the nominations by a majority vote of the Legislative Councils of Madras, Bombay, Bengal, the Northwestern Provinces, and Oudh, and one by the Calcutta Chamber of Commerce. The remaining seats were to be filled by the governor-general at his discretion.

The second section of the regulations laid down the procedure for the discussion of the budget. The financial statement was to be printed and explained every year. Any member was thereupon at liberty to offer such observations as he chose, and the financial member had the right of reply.

The third group of rules ordained the limitations set on the right of interpellation. At least six days' notice in writing was required in each case, unless the governor-general made an exception. The interrogations were to be framed as simple requests for information and argumentative hypothetical or defamatory forms were proscribed. The governor-general might disallow any question without giving any reason. No discussion of the answer was permitted.

As indicated, there were three outstanding elements in the reforms accomplished by the India Councils Act of 1892 and the regulations framed under them. They were: (1) the enlargement of the legislative councils, with a tacit proviso for the introduction of the elective principle where feasible; (2) the extension of the budget discussion to include the annual budget, and not merely new measures of taxation; (3) the granting of the right of interpellation to a limited extent.[1]

The intention of the statute of 1861 was that local councils gradually be established in all the provinces of India. As a matter of fact, however, it had been found possible to establish a local legislature only in four. In addition to Madras and Bombay, Bengal had been given a legislative council in 1862 and the Northwestern Provinces in 1886. The result was that any new law or rule which was required for any province other than Madras, Bombay, Bengal, and the Northwestern Provinces had still to be sanctioned by the Supreme Legislative Council sitting usually three or four months in the year, and almost exclusively at Calcutta.

The act of 1892[2] made the following changes in the Supreme and Provincial Councils. The Supreme Legislative Council consisted, in

[1] *Parliamentary Debates*, 4th Ser., Vol. III (1892), cols. 61–62. [2] *Ibid.*, *Loc. cit.*

addition to the ex-officio members who numbered seven, of a minimum of six and a maximum of twelve nominated members of whom half must be non-official. The bill raised the minimum to ten and the maximum to sixteen. In the Madras and Bombay councils formerly consisting (independently of their four ex-officio members) of a minimum of four and a maximum of eight nominated members of whom half were non-official, the minimum was raised to eight and the maximum to twenty.

In the Northwestern Provinces the number was nine, of which one-third were also non-official, and under the bill the number was raised to fifteen. The object of these additions, as Lord Curzon stated it in Parliament, was by extending the area of the section in each case to add to the strength and representative character of the councils.

He made a comparison with Mr. Bradlaugh's bill saying:

> The late Mr. Bradlaugh, who at different times introduced two bills dealing with the reform of the Indian councils into this House, proposed in those measures to swell the numbers on these councils to quite impracticable and unmanageable proportions. Under his first bill their totals would have amounted to more than 260 and under the second to more than 230. It is within the knowledge of everyone who is acquainted with India that the number of persons who are competent and willing to take part in the functions of these councils is nothing like adequate to supply the extravagant expectations of those bills.[1]

It was upon the question of the introduction of the elective principle, however, that the real controversy over the bill raged. Lord Curzon thus stated the government's opinion and expectations. He said:

> Every year the number of native gentlemen in India who are both qualified and willing to take part in the work of government is increasing, and every year the advantage of their co-operation increases in the same ratio. More especially in the case of the provincial councils, it has been found that more effective means are needed of re-enforcing native and non-official opinion. The government believe that this moderate addition which they propose to the numbers will have the effect which I contemplate, and at the same time that it will be compatible with efficiency. This House does not need to be told by me that the efficiency of a deliberative body is not necessarily commensurate with its numerical strength. We have instances in this country of public bodies prevented from working well in consequence of the large number of their members. Over-large bodies do not necessarily work well. They do not promote economical administration but are apt to diffuse their force in vague and vapid talk, and if this be true of deliberative bodies in England, it is more true of deliberative bodies in a country like India. I hold in fact that it would

[1] *Ibid.*, col. 62.

be better that competent men shall be left outside than that incompetent men should be included. Now we will look at the question of how these additional members are to be appointed. I notice that the "honorable" member for North Manchester [Mr. Schwann] has placed on the paper an amendment declaring that no reform of the Indian councils which does not embody the elective principle will prove satisfactory. But in reply I should like to point out that our bill does not exclude some such principle, be the method election or selection, or delegation, or whatever be the particular phrase that you desire to employ. . . . .[1]

Under this act it would be in the power of the viceroy to invite representative bodies in India to elect or select or delegate representatives of themselves and of their opinions to be nominated to those Houses and thus by slow degrees, by tentative measures, and in a matter like this, measures cannot be otherwise than tentative, we may perhaps approximate in some way to the ideal which the honorable member from North Manchester has in view. With respect to the character of such bodies and associations as those to which I have alluded, I may mention only as indicating what may be possible, such bodies as the well-known association of the zamindars of Bengal, the chambers of commerce of India, the municipalities of the great cities, the universities, the British India Association, and perhaps even more important than any, the various great religious denominations in that country. I believe that the House will hold that this method of dealing with the question is a wise method, since it leaves the initiative to those who are necessarily best acquainted with the matter and does not lay down any hard-and-fast rule by which they may find themselves unfortunately bound. I cannot myself conceive anything more unfortunate than that this House should draw up and send out to India a cast-iron elective scheme within the four walls of which the government would find itself confined, and which, if it proved at some future period inadequate or unsuitable, it would be impossible to alter without coming back to this House and experiencing all the obstacles and delays of parliamentary procedure in this country. . . . .[2]

The honorable member[3] [Mr. Schwann] for instance is anxious to have the elective principle more clearly defined and more systematically enforced, and he has placed an amendment on the paper, in which he asks the House to signify its opinion that no reform of the Indian councils which does not embody the elective principle will be satisfactory to the Indian people or will be compatible with the good government of India. I venture to say, Sir, that this amendment is vitiated by a twofold fallacy, for, while in the first place the honorable member affects to speak on behalf of the Indian people, he at the same time entirely ignores the primary conditions of Indian life. When the honorable member assumes in this House to be the mouthpiece of the people of India, I must emphatically decline to accept his credentials in that capacity.

[1] *Parliamentary Debates*, 4th Ser., Vol. III (1892), cols. 62–63.

[2] *Ibid.*, col. 64. [3] *Ibid.*, cols. 65–66.

No system of representation that has ever been devised, no system of representation that the ingenuity of the honorable member can suggest, no system of representation that would stand the test of twenty-four hours' operation would in the most infinitesimal degree represent the people of India. Who are the people of India? The people of India are the voiceless millions who can neither read nor write their own tongues, who have no knowledge whatever of English, who are not perhaps universally aware of the fact that the English are in their country as rulers. The people of India are the ryots and the peasants, whose life is not one of political aspiration, but of mute penury and toil. The plans and policy of the Congress party in India would leave this vast amorphous residium absolutely untouched. I do not desire to speak in any other than terms of respect of the Congress party of India. That party contains a number of intelligent, liberal-minded, and public spirited men, who undoubtedly represent that portion of the Indian people who have profited by the educational advantages placed at their doors, and which is more or less involved with European ideas; but as to their relationship to the people of India, the constituency which the Congress party represent cannot be described as otherwise than a minute and almost microscopic minority of the total population of India. At the present time the population of British India is 221,000,000; and of that number it has been calculated that not more than 3 or 4 per cent can read or write any one of their native tongues; considerably less than 1 per cent—about one-fourth or one-third—can read or write English. . . . . There are two main objects which this House is entitled to require in any new legislation for India.[1] Firstly, that it should add to, and in no sense impair, the efficiency of government; and secondly that it should also promote the interests of the governed.

Mr. Schwann, representing the more radical Liberals, was undaunted by Curzon's tirade and persisted in begging to move as an amendment "That in the opinion of this House no reform of the Indian councils which does not embody the elective principle will prove satisfactory to the Indian people or compatible with the good government of India. . . . ."

"I repeat[2] that I hope that it will not be accepted by this House," he continued, "as it certainly will not be accepted by the Indian people as anything like even an instalment of what they desire, of what they require and what is necessary for their happiness. The fact is that the Bill contains, it seems to me, but a very slight trace of the elective principle."

He also contended that the Indian people had to a very large extent attained to a clear idea of nationality, through the instrumentality of the

[1] *Ibid.*, col. 68. [2] *Ibid.*, cols. 69–77.

English language, of commerce, of education, of a free press, and the right of free meeting.

He dilated at some length on the Congress, municipalities, etc., as evidence that India was ready for and entitled to the elective system. Gladstone, however, followed Mr. Schwann and poured oil on the troubled waters by saying:

> I desire to put on the speeches that we have heard on the Bill, not the most hostile but the least hostile and least controversial construction to which they are susceptible. Now, Sir, while the language of the Bill cannot be said to embody the elective principle, it is in its language very peculiar indeed. . . . .
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> Unless it was intended to leave room for some peculiarities not as yet introduced in the Indian system in the appointment of the members of the Indian councils under this Bill, it would have been a very singular form of speech to provide not simply that the governor-general might nominate, but that he might make regulations as to the conditions under which such nominations or any of them might be made, either by himself or by the governor-general in council. . . . .
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> [Lord Curzon's speech] appeared to me, I confess, to distinctly embody what is not very different from the assertion of my honorable friend in his amendment, except as to this important point—that the under secretary proposes to leave everything to the judgment, the discretion, and the responsibility of the governor-general of India and the authorities in India.[1]

Mr. Gladstone[2] went on to approve the granting of discretion as to form, but regretted the omission of a statement of principles. Commenting on Mr. Schwann's speech, he said:

> But merely intellectual education which does not touch the morals, manners, or habits of a people cannot change their character or give them that sobriety and robustness of disposition which is essential to the smooth and even working of representative institutions.

After some further bickering the amendment was finally withdrawn,[3] but with a feeling on the part of some which was expressed by the Earl of Kimberly in these words:

> I am bound to say that I and some of our friends would have preferred that the possibility of election being one of the modes of presenting these persons to be nominated by the Council was more explicitly recognized in the Bill than it is; but at the same time, I very well know the difficulties which there may be in carrying through a bill of this kind. I regard it as essentially a tentative

[1] *Parliamentary Debates*, 4th Ser., Vol. III (1892), col. 79.

[2] *Ibid.*, cols. 79–84.

[3] *Ibid.*, col. 131.

measure, and being so I am quite willing to welcome it, although it opens the door, perhaps, in a very slight manner apparently on the face of it. What we really desire is that in this matter the government of India should be able to exercise their own discretion on the spot as to the extent to which they may think it wise to advance in the direction that is desired.[1]

Curzon was faithful to his promise and on June 30, 1892, wrote to the government of India:

It appears to me probable, nevertheless, that the diffusion in the more advanced provinces of education and enlightened public spirit and the recent organization of local self-government may have provided in some instances ways and means of which the government may appropriately avail themselves in determining the character that shall be given to the representation of the views of the different races, classes, and localities. Where corporations have been established with definite powers upon a recognized administrative basis or where associations have been formed upon a substantial community of legitimate interests, professional, commercial, or territorial, Your Excellency and the local governor may find convenience or advantage in consulting from time to time such bodies and in entertaining at your discretion an expression of their views and recommendations with regard to the selection of members in whose qualifications they may be disposed to confide.[2]

In India, Lord Lansdowne received the proposals in the same spirit. He, on the occasion of introducing the new regulations, said:

I should like at this stage to dwell upon the fact that the government of India, ever since I have had the honor of being connected with it, while it has insisted upon the ultimate responsibility of the government for these nominations has constantly urged that any bill which might be passed should render it possible for the governor-general and for the heads of the local governments to have recourse to the advice of what for want of any more convenient expression I will describe as "suitable constituencies"!

I will venture to quote to the Council an extract from a dispatch sent home by us as long ago as the twenty-fourth of December, 1889, in which we placed on record our opinion that it would be "well that the measure about to be laid before Parliament should not control, should not absolutely preclude us from resort to some form of election where the local conditions are such as to justify a belief that it might be safely and advantageously adopted."

We went on to say that "we should have been glad if the Bill had reserved to us authority to make rules from time to time for the appointment of additional members, by nomination or otherwise" and we should have considered

[1] *Ibid.*, col. 415.

[2] *Proceedings of the Legislative Council of the Governor-General of India*, XXXII (1893), 104.

it sufficient if the consent of Your Lordship in Council had been made a condition precedent to the validity of such rules. Such an enactment would have provided for the gradual and tentative introduction of a carefully guarded mode of electing additional members. . . . .

Upon a careful review of the whole matter and of the contents of the Act, as well as of the circumstances under which it had been introduced and passed into law, it appeared to us that the mandate under which we were called upon to act might be summarized in the four following propositions:

1. It is not expected of us that we shall attempt to create in India a complete or symmetrical system of representation.

2. It is expected of us that we shall make a bonafide endeavour to render the legislative councils more representative of the different sections of the Indian community than they are at present.

3. For this purpose we are at liberty to make use of the machinery of election wherever there is a fair prospect that it will produce satisfactory results.

4. Although we may to this extent apply the elective principle, it is to be clearly understood that the ultimate selection of all additional members rests with the government and not with the electors. The functions of the latter will be that of recommendation only, but of recommendation entitled to the greatest weight and not likely to be disregarded except in cases of the clearest necessity.

I think the first observation which it would occur to anyone to make would be that, given legislative bodies of the dimensions prescribed for us or of any dimensions approaching to those laid down in the Act, it would be altogether hopeless to attempt the introduction of a representative system in the sense in which the words are understood in western communities. How, for instance, would it be possible in a province like that of Bengal with a population of seventy millions, to allot a handful of seats at our disposal so as to divide the country either in respect of geographical areas or in respect of the different communities which inhabit it, in such a manner as to distribute the representation equitably or to make it really effectual? And I am bound to admit that to the best of my belief even those who are credited with opinions of the most advanced type upon Indian political questions have carefully guarded themselves against being supposed to claim for the people of India any system of representation closely initiating the parliamentary system of Western Europe.

We are met, moreover, with this difficulty, that in many parts of India any system of election is entirely foreign to the feelings and habits of the people, and that were we to have recourse to such a system, the really representative men would probably not come forward under it. . . . .

It is in this light that the question has been considered and discussed by us with the local governments. We do not believe that the seats placed at our disposal can be distributed according to strict numerical proportion or upon a symmetrical and uniform system. We do not believe, to use Mr. Gladstone's words, that under the Act "large and imposing" results are to

be at once obtained, but we do believe that, by having resort to sources other than the unassisted nomination of the government, we shall be able to obtain for these councils the services of members who will be in the truest sense representative, but who will represent types and classes rather than areas and numbers.

We believe that it should not be beyond our power to secure in this manner for the government the advice and assistance of men connected with different parts of the country, thoroughly aware of the interests and wishes of their countrymen, and able to judge of the extent to which those interests are likely to be affected by any measure of legislation which may be proposed. If we can obtain men of this description, not by selecting them ourselves, but by allowing the great sections of the community a voice in the matter, we believe that the persons selected will bring to our deliberations a very much greater weight of authority than they would have possessed had we been content to rely upon nomination alone. . . . .

The government of India has from the first held that the reform of the viceroy's Council must to some extent be dependent upon and subsequent to that of the local councils. It seemed to us that if the difficulty of obtaining an effectual system of representation was great in the case of the local councils, it must, *a fortiori*, be greater still in the case of a council intrusted with the duty of legislating for the whole of India, and in our belief the strongest argument in favour of dealing in the first instance with the local legislatures was that we were likely to find in them, when they had been strengthened and reformed, the most convenient electoral bodies for the purpose of choosing a part at all events of the additional members who will be appointed to the Legislative Council of the viceroy.

This view found much acceptance in Parliament. In his speech in the House of Lords on March 6, 1890, Lord Northbrook said: "For the present he would not be disposed to go farther in respect of the Supreme Council, except perhaps to allow a selection by each of the subordinate local legislatures."

In the same debate Lord Ripon remarked that "he was glad to concur with his noble friend who had just spoken [Lord Northbrook] in the expression of a desire to see the elective or representative element introduced into those councils. If that step were taken it would be desirable to introduce the same element into the Council of the governor-general very likely in the manner suggested by selection from the local councils."

"We have," he continued, "made a proposal of this kind to the secretary of state. The maximum number of additional members who can be nominated to the governor-general's Council is sixteen. Of these at least eight must, under the Act, be non-officials. We have recommended that there shall be ten non-officials. We have suggested that four of these might be selected and recommended to us by the local legislatures of the four provinces having local councils, that one at least would be required to represent the interests of commerce and that one might perhaps be chosen from the Calcutta Bar. We propose that

the discretion of the viceroy with regard to the sources from which the remaining four might be obtained, should be interfered with as little as possible. There may be found in those provinces which do not possess legislative councils certain classes and sections of the community so far accustomed to collective action in the promotion of their common interests that they would be qualified to unite in submitting a recommendation in respect of any seat which the governor-general may desire to fill up from a particular province, and we have been in communication with the governments of these provinces upon this subject. It is, however, clear that whatever arrangements may be made with this object should be as elastic as possible. We might, for example, find from time to time that the consideration of some particular measure requires the presence in this Council of a member specially conversant with the subject or with the territories which the contemplated legislation will effect, and this contingency must certainly be provided for in the case of those provinces which have no local legislatures, and for which such legislation as is required must be undertaken in the Council of the governor-general. We do not, therefore, in the case of these provinces see any necessity for such detailed rules for the submission of recommendation as have been proposed for the local councils. We shall, however, endeavour as far as possible in the event of a member being required for this Council from any of the four provinces not having local councils to give that member, by resorting as far as possible to the system of recommendations, a more representative character than would attach to him if he were arbitrarily selected by the head of the government. . . . .

"I have now explained, as far as is necessary, the procedure which will be followed in giving effect to both portions of the Indian Councils Act. It is not unlikely that our proposals will disappoint the expectations of those who would gladly see us travel farther and faster along the path of reform. We claim, however, for the changes which we have been instrumental in procuring that they will beyond all question greatly increase the usefulness and the authority of these legislative bodies. We are able to show that the number of additional members has been materially increased; that we have considerably widened the functions of the councils by the admission of the right of interpellation and the discussion of the financial statement; and finally, that we shall no longer rely on nomination pure and simple for the selection of additional members. These are all substantial steps in advance. I hope the government of India will have the assistance of all concerned in carrying out the rules in such a way as to secure in the most effectual manner the objects with which they have been framed. It is highly probable that experience will suggest improvements in matters of detail, and I need not say in so far as we are not bound by the limits indicated in the Act, we shall be glad to consider the rules as to some extent experimental and tentative, and that we shall welcome any suggestions which may be offered to us for the purpose of making them work as satisfactorily as possible."[1]

[1] *Proceedings of the Legislative Council of the Governor-General of India,* XXXII (1893), 105–11.

In a speech at the close of his viceroyalty, Lord Lansdowne said that it would

be impossible to overrate the importance of infusing new life into these councils both by enlarging their functions and by modifying their constitution so as to include within them a certain number of members owing their appointments to the recommendation of other bodies rather than to nomination by the government.[1]

The parting words that he addressed to the Imperial Council were:[2]

I earnestly trust that this Council strengthened as it has lately been by the extension of its functions and by the addition[3] to its ranks of a large number of representative members, some of whom will owe their presence to the recommendation of their fellow-citizens, will enjoy an ever increasing share

[1] G. W. Forrest, *The Administration of Lansdowne, 1888–1894*, p. 25.

[2] *Loc. cit.*

[3] "Advisory and Legislative Councils," *Parliamentary Papers*, East India, I (1909), 36 *et seq.* In summary form the composition of the various legislative councils under the regulations as finally issued was as follows:

Imperial Legislative Council	
Ex officio: the lieutenant governor of Bengal (or the Punjab when sessions were at Simla); the commander in chief; the members of the Executive Council. Total	8
Additional: nominated members, not more than 6 to be officials	11
Elected members, by Legislative Councils of Madras, Bombay, Bengal, and the United Provinces	4
By Calcutta Chamber of Commerce	1
Total	24
Bengal	
Nominated members, not more than 10 to be officials. Total	13
Elected members, 1 each by the Corporation of Calcutta, the University, Landholder's Association, Chambers of Commerce, and the municipalities (in rotation). Total	5
2 by the district boards (in rotation)	2
Bombay	
Ex officio: members of the Executive Council and the advocate-general. Total	3
Additional: nominated, not more than 9 to be officials	12
Elected, 1 each by the Corporation of Bombay, the municipalities, Bombay University, Bombay Chamber of Commerce	4
2 each by the district boards and the zamindars of Sind, with the Sardars of the Deccan	4
Burma	
Officials, nominated	5
Non-officials, nominated	4
Madras	
Ex officio: members of the Executive Council and the advocate-general	3
Additional: nominated, not more than 9 to be officials. 1 to be a zamindar paying 20,000 rupees pashkash	13
Elected: 1 each by the Corporation of Madras, the University of Madras, and the Chamber of Commerce	3
4 by the municipalities and district boards	4
Punjab	
Nominated: officials	4
Nominated: non-officials	5
United Provinces	
Nominated: not more than 7 to be officials	9
Elected: 2 each by groups of municipalities and by groups of district boards	4
1 each by the University of Allahabad and by the Upper India Chamber of Commerce	2

of public confidence, that it will conduct its deliberations with wisdom, dignity, and moderation, and that it will prove to be a new source of stability and usefulness to the institutions of this country.

As to the actual working of these electoral provisions, even the "Government of India Circular" of August 24, 1907, admitted:

In the case of provincial councils it is admitted that the results have not justified the expectations formed. The district boards in particular have conspicuously failed to fulfill the expectation that they would represent the landed interest. Out of 54 members elected by them to the provincial councils, only 10 have been landholders, while 36 have been barristers and pleaders. Similarly out of 43 members elected by the district municipalities, 40 have been barristers and pleaders and only 2 landholders. Something has been done by nomination to remedy these defects; but out of the 338 non-official members who have been appointed, whether by election or nomination, to the provincial councils since election was introduced in 1893, as many as 123, or 36 per cent, have been lawyers and only 77, or 22 per cent, landowners. It is thus apparent that the elective system has given to the legal profession a prominence in the provincial councils to which it is not entitled, while it has signally failed to represent other important elements of the community. These shortcomings are reflected in the Legislative Council of the governor-general, where of the non-official members nominated or elected since 1893, 27, or 40 per cent, have been lawyers or schoolmasters, while the landholders have numbered only 16, or 23.5 per cent, and the mercantile community has been represented by 17, or 25 per cent.[1]

The government of India dispatch of 1908 expressed the same view, saying:

The question of the direct representation of interests on the Imperial Legislative Council was not raised at the time of the passage of the Indian Councils Act of 1892 as it was believed that the non-official members of the provincial councils, as reconstituted under the regulations, would form a sufficiently wide electorate for the Supreme Council. This electorate, however, while it worked advantageously in the case of the middle-educated class, did not afford proportionate representation to the other interests concerned. Of the non-official members elected to the Imperial Council since 1893, 45 per cent belonged to the professional middle class, the landholders obtained 27 per cent of the seats and the Mohammedans only 12 per cent, while the Indian mercantile community, a large and increasingly important body, had no representative at all.[2]

[1] P. Mukherji, "Government of India Circular," *Indian Constitutional Documents, 1773–1915* (Aug. 24, 1907), p. 218.

[2] "Advisory Legislative Councils," *Parliamentary Papers*, East India, I (1908), Dispatch from government of India to secretary of state.

The second prominent feature of the reforms was the alterations made in the provisions for the discussion of the financial statement.[1] Between 1861 and 1891 there had been only thirty occasions when the introduction of a new measure of taxation had made possible a debate. On sixteen of those occasions the opportunity had been utilized. On fourteen it had slipped by in silence. The new departure in allowing general observations upon the estimates for the ensuing year drew less attention at the time than the electoral question.

Lord Curzon's remarks on it were these:

> First, as regards the financial discussion, I have already pointed out to the House that under the existing law this is only possible when the finance minister proposes a new tax. At other times the Budget in India is circulated in the form of a pamphlet and no discussion can take place upon it at all. . . . . In this Bill power will be given for a regular annual discussion of the budget, both in the Supreme and Provincial Councils. It is not contemplated, as the extracts I have read from the dispatch of Lord Dufferin will show, to vote the budget of India item by item in the manner in which we do it in this House, and to subject it to all the obstacles and delays which party ingenuity or loquacity can suggest. That is not contemplated but it is proposed to give opportunities to members of the Council to indulge in a full, free and fair criticism of the financial policy of the government and I think all parties will gain by such a discussion. The government will gain because they will have an opportunity of explaining their financial policy, of removing misapprehension, of answering calumny and attack; and they will also profit by the criticism delivered in a public position and with a due sense of responsibility by the most competent representatives of non-official India. The native community will gain, because they will have the opportunity of reviewing the financial situation independently of the mere accident of legislation being required for any particular year, and also because criticism of the financial policy of the government, which now finds its vent in anonymous and even scurrilous articles in the newspapers, will be uttered by responsible persons in a public position. Lastly, the interests of finance themselves will gain by this increased publicity and by the stimulus of a vigorous and instructive scrutiny; and the application of the external aid that I have described cannot have any other result than the promotion of sound and economical administration in India. It is now twenty years since T. Mayo, that wise and enlightened viceroy, first proposed the submission of provincial budgets to the provincial councils. At that time he was overruled by the government at home, which, I believe, was one of the governments of the right honorable gentleman opposite.[2]

[1] *Parliamentary Debates*, 4th Ser., Vol. III (1892), 59.

[2] *Ibid.*, pp. 59–60.

Lord Lansdowne was more impressed with the provision. He said:

The right to criticise the financial administration of government is one of which it is impossible to overestimate the value and I have never concealed my opinion that it was improper as well as illogical that the fight should be frequently denied merely upon the technical ground that no bill upon which a financial debate could be originated happened to be before the Council. The right to discuss and to criticise, is one which should be either altogether withheld or altogether conceded. The present arrangement under which it has been exercised one year and held in abeyance the next is altogether indefensible. These financial discussions will now take place with regularity and not upon sufferance and I feel no doubt that both the public and the government of India will gain, the one by the wider knowledge and insight into public affairs which it will obtain, the other by the increased opportunity which will be given to it of explaining its position and defending its policy.[1]

As to the actual budget discussions, the official estimate in 1907 was that

the discussive and unfruitful character of the budget debates, both in the Imperial and Provincial Councils, has on many occasions formed the subject of comment and criticism. The government of India entirely recognizes the defects of the practice which prevails under the existing regulations. . . . .

These compel a member of council to include within the limits of a single speech all the observations he has to offer on any of the numerous subjects that naturally present themselves in an annual review of the administration of the revenue of India.[2]

The last feature of the reforms of 1892 was that introducing the privilege of interpellation. Regarding it Lord Lansdowne said:

Their functions have, until now, with the solitary exception to be found in those occasional discussions of the budget which I have just mentioned, been very strictly and narrowly limited to those of assisting the government of India in the work of legislation. They have been absolutely precluded from asking for information or inquiring into matters of public interest. In advising Her Majesty's government to allow us to exceed these limits, we feel that we have taken a very serious and far-reaching step. We have taken it under a deep sense of the responsibility which we have assumed; we are fully aware that we are effecting a radical change in the character of these legislatures; but we are profoundly convinced that the time has come when it is desirable to bring them into closer touch with the rest of the community and that the

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXXII (Feb. 2, 1893), 46.

[2] P. Mukherji, "Government of India Circular," *Indian Constitutional Documents, 1773–1915*, 1907, pp. 227–28.

reform which we are about to introduce is one which will be for the advantage of the government as well as of the people of this country.[1]

Lord Curzon was a little more detailed in his explanation. He said:

It is desirable in the first place in the interest of the government, which is at the present moment without the means of making known its policy, or of answering criticism or animadversions or of silencing calumny, and which has frequently suffered from protracted misapprehension, which it has been powerless to remove, and it is also desirable in the interests of the public, who, in the absence of correct official information, are apt to be misled, and to entertain erroneous ideas, but who, within the limits dictated by the judgment of the responsible authorities, will henceforward have opportunities of making themselves acquainted with the real facts. I hope this liberty may provide a wise and necessary outlet in India for feelings which are now apt to smolder below the surface because there are no public means for their expression, but which might be allayed if timely information were given from the right quarter.[2]

The only question raised was relative to the creation of a tabooed list. Lord Lansdowne said of it:

We had to consider whether it was desirable to specify certain subjects with regard to which questions should be inadmissible. It is obvious that there are some matters with regard to which no government can allow itself to be publicly interpellated, such matters, for example, as military preparations at a time when hostilities are in progress, or in contemplation, or matters of financial policy involving the premature disclosure of information affecting the market.

The conclusion to which we came was that it was better at all events in the early days of the new procedure not to commit ourselves to any specifications of subjects. The impropriety of a question may be due quite as much to the time and circumstances under which it is asked as to the subject-matter, and although we believe that experience may possibly enable us to lay down the rules of the kind suggested, we are of the opinion that for the present it will be desirable to content ourselves with taking power for the president to disallow a question upon the ground that it cannot be answered consistently with public interests. The reformed councils will, I have no doubt, show a proper appreciation of the limits within which the right of interpellation can be exercised without injury to public interests and I have every hope that it will very rarely be found necessary to resort to the veto of the president. I may add that in this case also the rule adopted is similar to that in force in the House of Commons.

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXXII (Feb. 2, 1893), 48.

[2] *Parliamentary Debates*, 4th Ser., Vol. III (1892), col. 61.

The rules as to questions asked in the local legislatures were conceived in the same spirit, but they contained two special and important restrictions. Under the first of these, members of councils were precluded from asking questions with regard to matters or branches of the administration other than those under the control of the local government. The second restriction was this, that in matters which are, or have been, the subject of controversy between the governor-general in council or the secretary of state and the local government, no question should be asked except as to matters of fact, while the answers must be confined to a statement of the facts.[1]

This privilege of asking questions thus granted was but sparingly exercised.

In short, as a whole, the Indian Councils Act of 1892 showed the influence of the Congress propaganda.

It was an attempt at compromise between the official view of the councils as pocket legislatures and the educated Indian view of them as embryo parliaments. It marks a definite parting of the ways, the first milestone on a road leading eventually to political deadlock and a strangling of executive government. While no efforts were made to enlarge the boundaries of the educated class, to provide them with any training in responsibility government, or to lay the foundations of a future electorate to control them, the Act deliberately attempted to dally with the elective idea.[2]

One other event[3] of the 1890's must be mentioned in connection with the development of self-government in India. In 1897 a legislative council was established in the Punjab, thirty-six years after the passing of the Indian Councils Act which had distinctly contemplated the establishment of such a council, but had left the selection of the time to the governor-general in council. The strong opinion expressed by Sir James Lyall in 1891 was the deciding factor in the belated action. His reasons were concisely expressed as follows: (*a*) that there was a general feeling among the educated classes in favor of the measure; (*b*) that a free discussion of the measures of the government, especially in regard to financial matters, would be prolific and useful; and (*c*) that provincial legislation of which there was considerable need would be promoted.

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XXXII (1893), 47.

[2] *Round Table*, VIII, No. 1 (Dec., 1917), 32.

[3] Sir Mackworth Young, "The Progress of the Punjab," *Imperial and Asiatic Quarterly Review*, 3d Ser., XIX (1905), 63–64.

Young, who was Lyall's successor, said: "The last of these anticipations has certainly been realized. It has been found a much simpler business to get the government of India to agree to the passing of a measure by the local legislature than to prevail upon it to pass the measure itself." The right of interpellation was withheld from the Punjab Legislative Council. A similar council was at the same time given to Burma.

CHAPTER X

THE PRESIDENCY CITIES, 1858–1914

Characteristics of the presidency cities
- Size
- Preponderance of European influence

The governments of the presidency cities in 1858

Later developments
- Calcutta
  - Act of 1863
  - Act of 1876
  - Act of 1889
  - Act of 1899
- Madras
  - Act of 1865
  - Act of 1867
  - Act of 1892
  - Act of 1904
- Bombay
  - Act of 1865
  - Act of 1872
  - Act of 1888

Aside from the few municipal and local boards acts and amendments, the last few years of the nineteenth century were phenomenally quiet. The Congress continued its sessions and annually passed resolutions, but on the whole there was little other manifestation of political life.

Probably the most important event from the viewpoint of self-government was the reactionary municipal act passed for Calcutta in 1899 to replace that of 1888. In this connection it will be well to look briefly at the development not only of Calcutta but its two sisters, Madras and Bombay.

The presidency cities, Bombay, Calcutta, and Madras, are in a distinct class, and since the establishment of provincial legislative councils in 1861 special acts have invariably been passed in the legislative councils of their respective presidencies for their government.

The size and peculiar character of the presidency cities as semi-Europeanized commercial centers have put them in a category with but little in common with the other towns and cities of India. For

this reason, in many ways the presidency cities have less significance in the development of self-government than the district municipalities. They are less Indian than the other cities, and large though they are, their populations are relatively insignificant in the vast mass of India.

On the other hand, the presidency cities have been the intellectual and commercial centers of India, and their examples have had great influence on the lesser towns. On this account they cannot be entirely overlooked.

At the time[1] when the government of India was transferred to the crown in 1858, all three of the presidency cities were governed by a body corporate, consisting of three nominated members in whom all the municipal functions were concentrated. Up to that time the government of these cities had been determined by the legislation enacted by the Legislative Council of the governor-general. In 1861 came the Indian Councils Act creating provincial legislative councils for the three presidencies, Bengal, Bombay, and Madras. Thenceforth each city had its own individual development, with its laws enacted for it by its own council. The isolation was by no means complete, however, and all were influenced by the legislation passed for the others. Thus the elective system which was introduced into Bombay in 1872 was copied by Calcutta in 1876, and Madras in 1878. It was the same with other features.

Calcutta was the first of the trio to avail itself of the new provincial legislative councils. In 1863 a municipal act was passed for it by the Bengal Council. By it[2] the municipal functions were invested in a body corporate composed of all the justices of the peace resident in Calcutta. One of them was to be appointed chairman by the lieutenant governor of Bengal. The latter was also to appoint an auditor. The confirmation of the lieutenant governor was required for all by-laws. The income of the municipality was to be derived from rates on houses and lands, a license tax on carriages and animals and on professions and trades. The expenditures were to provide lighting for the streets, a water supply, and for the drainage of the town. The justices were given control over the registration of births and deaths, and the census. By by-laws they might regulate the general sanitation of the city, controlling nuisances, slaughter-houses, and burial grounds. The control of all municipal property and funds was vested in the corporation.

[1] Sir W. W. Hunter, *Imperial Gazetteer of India*, IV, 285.

[2] Published in full in the *Acts of the Lieutenant Governor of Bengal in Council*, Act VI of 1863, pp. 71 *et seq.*

Thirteen years later, in 1876, a new law was enacted, which following the example of the Bombay Act of 1872 introduced a system of election. Sir Richard Temple, who more than any other one man was responsible for the enactment of the law of 1876 for Calcutta, concisely put the reasons for the act and summarized its working in these words:

> The constitution of the municipality was not popular, the members of the corporation being all appointed by the government, the tax-paying citizens were becoming generally dissatisfied with the arrangement. In fact an educated middle class had arisen which objected to the exclusive power heretofore pertaining to the upper class and desired to have a voice and share in the urban administration. A bill was therefore passed through the Legislative Council whereby only one-third of the members were to be appointed by government, and the remainder elected by the rate payers. This measure was, as might be expected, displeasing to the upper classes among the natives, and even to the Europeans who apprehended that with so great a numerical preponderance of native voters none but natives would be elected. The government, however, having the power of appointing one-third of the members was thereby enabled to secure a due proportion of Europeans in the municipality. At first the rate payers seemed hardly to comprehend the liberality of the concession which had been made to them, being careless in exercising their new franchise. The candidates elected often failed to give practical attention to progressive measures for the improvement of the place. Subsequently, however, there must have arisen that benefit which cannot fail to arise from the natives having some power over and interest in their municipal affairs. The moral effect too must be beneficial in forming their national character and making them feel jointly responsible with the government for the improvement of their city which comprises so many interests.[1]

The act of 1876[2] vested the municipal functions in a body of seventy-two commissioners, with a chairman and vice-chairman. The members were required to be male residents of Calcutta who had attained the age of twenty-one. Candidates were required to have paid a tax of at least one hundred rupees. Forty-eight of the members were to be elected, and twenty-four to be nominated by the government, supposedly in such a way as to secure representation for classes and minorities which failed to obtain due recognition in the elections.

The electorate was composed of male residents who had attained the age of twenty-one and had paid taxes aggregating twenty-five rupees. The chairman was to be appointed by the local government.

[1] Sir R. Temple, *Men and Events of My Time in India*, p. 424.

[2] Published in full in the *Acts of the Lieutenant Governor of Bengal in Council*, Act IV of 1876, pp. 63 *et seq.*

The functions of the municipality were very minutely defined under the heads of public safety, public health, and public convenience, but were in general identical with the functions prescribed for other municipalities. The same was true of the kinds of taxes authorized and the purposes for which they were to be expended.

Under the act of 1876[1] the finances of the Corporation of Calcutta were mismanaged in the three years immediately following the establishment of the new system of municipal administration, but it was not entirely due to the elected members. No change, however, was made until 1888[2] when a new act was passed, after very full discussions in the council, in the press, and by the corporation.

This law[3] raised the number of commissioners to seventy-five. Fifteen were to be government appointees to insure suitable representation for those classes and minorities which failed in the election of the sixty other members. Of these sixty, fifty were to be elected by male rate-payers, twenty-one years old. The rates paid might be those paid by an owner or an occupier of houses or lands, or simply a total of twenty-four rupees. Ten seats were reserved for special class representation, four for the Bengal Chamber of Commerce, four for the Calcutta Trades Association and two for the commissioners for making improvements in the port of Calcutta.

The unique innovation of the act was the provision for giving additional votes to those who paid larger amounts of taxes. The schedule gave one additional vote to owners of property, which was assessed at 600 rupees, two to those owning property assessed at 1,000 rupees, and another for every 500 additional rupees of value. The other changes were minor.

Opinions on the working of this act differed. In 1895[4] as many as 75 per cent of the electorate voted in the contested wards of Calcutta, and the *Bengalee* said of it:

> By Act II of 1888, 50 of the 75 commissioners of Calcutta were elected by the rate payers, who thus had a standing majority and administered the

[1] *Voice of India*, II (1884), 10.

[2] *Proceedings of the Legislative Council of the Governor-General of India*, XXVII (1888), 157.

[3] Published in full in *Acts of the Lieutenant Governor of Bengal, 1886–1889*. Act III of 1888.

[4] A. Y. Ali, "Civic Life in India," *Imperial and Asiatic Quarterly Review*, 3d Ser., XXI (1906), 247.

affairs of the municipality in the interest of the rate payers without fear of favor and heedless of official frowns.[1]

This seems to have proved galling to the authorities, and in 1896 Sir Alexander MacKenzie delivered his famous speech while laying the foundation stone of the new drainage works at Entally.

Gross mismanagement was charged. Regarding it, Mr. Ritchie at one time municipal chairman, said, in 1888:

> The citizens of Calcutta were given practically complete powers of self-government on the model of a modern English borough, the chief distinction being that an official chairman was nominated and appointed by the government. There is a consensus of well-informed opinion that the powers given were misused, and that the government of the city fell below the standard of any decently governed European town. The system was an improvement on what went before, and under it a few hard working and really valuable municipal councilors were developed. But these were not able to control the capriciousness and instability of the main body of the council, with the result that the Calcutta town councilors were constantly at variance with their executive officers; they formed no ideals of what was wanted; they covered themselves with ridicule by impracticable proposals and instead of affording driving power acted simply as a brake, and limited themselves to supplying the very minimum of the measures required by European public opinion for the metropolis of India. Things came to such a pass that some ten years ago their powers had to be very materially curtailed in the interests of sanitation and decent civic existence.[2]

Sir W. W. Hunter also said of it:

> The administration of Calcutta under its municipal act of 1876 and 1888 was not very successful. . . . . The commissioners interfered with the executive, and although some large schemes for the improvement of the city were carried through, parts of it were allowed to remain in a very insanitary condition and municipal business was neglected in several other directions. These dangers were brought prominently to notice when plague first threatened the city. Special effort was then made to improve sanitation and it was determined in order to secure better administration in the future to alter the municipal constitution.[3]

Whatever the truth of the contentions, in 1899, under the efficient régime of Lord Curzon, a law was enacted over the objections of Sir John Wedderburn. The feature[4] of the act which cut the number of

[1] *Bengalee*, August 2, 1916, p. 4, col. 2. Cited from Goode, *Municipal Calcutta*.

[2] G. Ritchie, "Constitutional and Administrative Changes in India," *Imperial and Asiatic Quarterly Review*, 3d Ser., XXVIII (1909), 80.

[3] Sir W. W. Hunter, *op. cit.*, IV, 295. [4] *Bengalee*, May 2, 1912, p. 4., col. 1.

elected members from fifty to twenty-five was strenuously objected to. On September 1, 1899,[1] as a protest against the Calcutta municipal bill then under consideration, twenty-eight municipal commissioners of the corporation went so far to resign after one of the storms and some[2] of the most influential declined to engage thereafter in the administration of the new act.

The law itself,[3] was an elaborate measure consisting of 652 sections but aside from cutting the number of elected members down from fifty to twenty-five and creating a general or steering committee to do the work which the larger body could not attend to, presented few noteworthy features. The general committee feature was copied from Bombay. Its members were chosen, four by the elected members of the corporation, four by the members representing the commercial community, and four by the local government. As under the previous act, fifteen members were to be appointed by the local government, four by the Bengal Chamber of Commerce, four by the Calcutta Trades Association and two by the commissioners for the port of Calcutta. The total membership was thus reduced from seventy-two to fifty-two. The chairman was to be appointed by the local government. The electoral qualification requirements remained substantially the same, as did the powers, functions, sources of revenue.[4]

Madras was two years behind Calcutta in beginning its series of alterations. The form of municipal government was bequeathed it by the East India Company. The first act passed for the city by the Madras Legislative Council came in 1865.[5] It provided: for a municipal government composed of six commissioners, three paid, appointed by the governor in council, and three unpaid, also selected by the governor in council, from the residents of Madras for a term of three years. The president was to be one of the six, designated by the governor. The

[1] *Ibid.*, July 15, 1916, p. 4, col. 1.

[2] *Ibid.*, August 2, 1916, p. 4, col. 2. Reviewing Goode, *Municipal Calcutta.*

[3] *Bengal Code*, IV ed., Vol. III, pp. 219 *et seq.*

[4] A deputy chairman was also created, who proved to be somewhat of a fifth wheel to the coach. He was originally intended to be an engineer and the personal assistant of the chairman in building and other operations. The idea was ultimately given up and no qualification attached to the office by statute, with the result that a member of the civil service was in practice always appointed. In practice he also served in the place of the chairman when the latter was absent.—*Bengalee*, October 9, 1909, p. 5, col. 1.

[5] See *Acts of the Governor of Madras in Council* (1865), Act IX, of 1865, for the complete law.

usual taxes on houses, vehicles, animals, professions, and buildings were authorized. These rates were to be expended for the police and conservancy. There were no unusual features in these respects.

Two years later, in 1867, a fresh act was passed for the city of Madras.[1] This act divided the city of Madras into eight divisions and authorized the government to appoint four commissioners as representatives of each division. Their term was three years, subject to removal for misconduct. The entire executive power was vested in an officer appointed by the government called the president of the Board of Commissioners. The usual taxes were authorized to be expended as in the other cities for the general conservancy and improvement of the city.

An amendment by Act V of March 15, 1871,[2] authorized the extension of the use of the city funds to education and empowered the government to take measures to provide for the election of a certain number of municipal commissions when it deemed it advisable.

As a result of the Calcutta agitation of 1876, similar demands were put forward in Madras.[3] The government yielded and in 1788 a new act authorized the appointment of commissioners by election as vacancies might occur, until half the numbers should be elected by the ratepayers.

The *Hindu*, at the time a tri-weekly English paper of Madras, said on December 24, 1884, regarding this act:

> It is unreasonable to expect the ordinary public to consider and discuss municipal questions as long as they and their representatives are allowed little voice in the management of the municipality itself and as their representations have been so frequently unheeded as they have been made to government, their attitude has sunk into that of passive discontent sustained by a sense of high handed exercise of the arbitrary power of government. . . . .
>
> Neither the Bombay nor the Calcutta municipality pays its president the enormous salary that Madras is made to pay, yet when compared to the other two cities Madras is nothing in point of affluent revenue. What is worse, the president and vice-president are made the masters of the corporation instead of its servants. The president of the Bombay municipality has, if we are informed correctly, no voice in the deliberations of the Town Council, which corresponds to our standing committee here, and which chooses its own presi-

[1] For complete law, see *Madras Code*, 1st ed., 1876, pp. 305 *et seq.* Act LX of 1867.

[2] *Madras Code*, 1876 ed., Calcutta, p. 486.

[3] John Crowdy, "Our Indian Empire," *British Almanac and Companion*, 1878, p. 74.

dent, whereas in Madras not the president alone but his two lieutenants, also, are ex officio members of the standing committee whose quorum is five.[1]

In 1892 an amending act was passed for Madras.[2] Its purpose was to remodel the existing law along the lines of the Calcutta Act of 1888. The most important alterations were: The municipal affairs were intrusted to a president and a body of thirty-two persons, who were required to be made residents twenty-five years old, acquainted with the English language, and to have paid taxes aggregating one hundred rupees in the preceding year. Officials, those persons interested in municipal contracts, or persons with criminal records were debarred. The governor in council was authorized to appoint a revenue officer, a health officer, and an engineer.

The last of the Madras acts was that of 1904.[3] It was the most elaborate of the laws, consisting of some 473 sections. In general it followed the model of the Calcutta Act of 1899. The affairs of Madras city were to be administered by the president and thirty-six commissioners. Twenty of the thirty-six were to be elected by divisional elections, three were to be appointed by the Madras Chamber of Commerce, three by the Madras Trades Association, two by such other bodies as the local government might direct, eight were to be appointed by the local government.

As in Calcutta, a standing committee was provided consisting of eight members elected by the commissioners, four of those elected two from the government appointees and two from those chosen by the various bodies. The qualifications required for the commissioners in the previous law were continued.[4]

[1] *Voice of India*, II (1884), p. 10.

[2] *Acts of the Governor of Fort St. George in Council, 1891 and 1892* (Madras, 1893). Act II of 1892.

[3] *Madras Code*, 4th ed., II (1904), 882 *et seq.* Act III.

[4] The elaborate detail of the act is illustrated by the following summary of the taxes and powers authorized:

a) A tax on the exercise of professions, arts, trades, and callings, and on offices and appointments; (*b*) a tax on buildings and lands; (*c*) a water and drainage tax; (*d*) a lighting tax; (*e*) a tax on vehicles with springs and on animals; (*f*) a tax on carts and on other vehicles without springs; (*g*) tolls on vehicles and on animals entering municipal limits.

The Municipal Corporation was also given power to provide for the public health, safety, and convenience under the following heads: water supply; drains, latrines, and urinals; streets; buildings regulations; lighting; sanitation; inspection and regulation of places; keeping of animals; public bathing and washing; factories and trades; slaughter-houses and markets; food and drugs; restraint of infection; vaccination; registration of births and deaths; disposal of the dead; census; railways.

When the Crown[1] took over the government of India in 1858, Bombay like the other presidency cities was under the management of a board of three commissioners, functioning under Act XIV of 1856 and Act XXV of 1858. Health conditions in the city were so horrible that the governor, Sir Bartle Frere, finally ordered a detailed report. It was submitted by Dr. Leith on February 29, 1864. It proved so alarming that a government resolution followed on May 2, 1864, and in due time Act II of 1865 found its place on the Bombay statute books.

The new law went into force on July 1, 1865, the ill-omened "black day" of Bombay financial history. In form it was very similar to the Calcutta act of two years before, and in part no doubt was based as far as details were concerned on the English health act of 1855. The list of activities and public works covered by the law were essentially the same as those in the Calcutta act. They included water supply, drainage, conservancy, public health, markets, slaughter-houses, weights and measures, public works, public traffic, buildings, police, lighting, trade licenses, public nuisances, vital statistics, fines, penalties, finances, and powers of borrowing.

The entire executive power and responsibility for the purposes of the act were vested in one commissioner instead of three. He was appointed by the governor in council for a term of three years, and was to be eligible for reappointment provided that he should always be removable from office by the governor in council for misconduct or neglect or incapacity to perform his duty, at the recommendation of not less than two-thirds of the justices of the peace present at a special general meeting of the "justices." His title was "municipal commissioner for the city of Bombay." His salary was to be 3,000 rupees.

Back of the municipal commissioner were the justices of the peace, to whom was intrusted the government of the city in the matters of deliberation and legislation. At the time, they numbered about one hundred. They were in no sense an elected body. Many of them paid rates but none were supposed to represent the rate-payers directly. They were all government nominees. Their meetings were quarterly, and the quorum required was seven. In a way, local self-government was undoubtedly established, but at that date the government hardly expected that a dozen of the justices would find the leisure or possess the necessary spirit of self-sacrifice to attend the quarterly meetings and supervise the work of the chief executive. In practice, however, a large number did attend, especially during the régime of Sir Bartle

[1] D. E. Wacha, *The Rise and Growth of Bombay Municipal Government*, p. 80.

Frere. Among the prominent individuals were Sir William Mansfield, Mr. Walter Cassels, and Mr. Juggonath Sunkersett.[1]

The act of 1865 worked well as far as efficiency went, and a marvellous transformation was effected in the sanitary condition of the city, but the expense involved was the principal cause of the radical change made in 1872. The immediate occasion of this Act III of 1872 was the financial extravagance of Mr. Crawford, resulting in the scandal of 1870–71 when the municipality was forced to declare itself bankrupt.[2] The declaration roused the rate-payers. Public meetings were held. The press became active.

The government finally yielded grudgingly to the popular movement headed by Mr. Forbes and Mr. Mangaldas Nathoobhoy and Mr. Nowroji Furdooji and others. Mr. Tucker was in charge of the bill and fought the radicals stubbornly. The bill as it finally went on to the statute books created a corporation of sixty-four members, elected by those paying taxes of over fifty rupees per annum. An effort to virtually extend the franchise to all Europeans by granting it to all who paid a wheel tax was defeated. The Corporation was to choose an advisory council of twelve persons known as the Town Council. The right of appointing the chairman was reserved by the government. The government also retained the power to appoint the commissioner, in whom all the executive power and responsibility was intrusted. The most that the government would concede was that he should be removable by the vote of forty members at a special general meeting of the corporation. His term was three years and he was eligible for reappointment.

The actual municipal government was vested in a "Municipal Corporation" of sixty-four members. Of these sixty-four, thirty-two were to be elected by the rate-payers, sixteen by the justices, and the remaining sixteen were to be appointed by the government.[3] The qualifications required for members were that they be rate-payers, twenty-five years old, whose taxes amounted to thirty rupees a year, or who were justices of the peace or fellows of the university. As usual they were required to have clean criminal records, and to be without interest in municipal contracts.

The most important feature of the law, and the one which was subsequently copied by both Calcutta and Madras, was the creation of

[1] *Ibid.*, p. 20.

[2] *Ibid.*, p. 31.

[3] The act (No. III of 1872) is published in full in the *Bombay Code*, ed. of 1880, pp. 310 *et seq.*

a steering committee of twelve members. This body bore the title of "Town Council," and was selected from the full corporation, eight by election from among and by the corporation and four appointed from the same body by the government.

The executive power was vested in a commissioner selected by the government. The usual taxes on lands, buildings, and vehicles were authorized, together with town duties and a tax on fire-insurance companies. The money thus raised was to be expended for promoting the public health, safety instruction, and convenience. Each of these headings was covered in detail, but the provisions present nothing different from those of the other laws.

The next important change in the form of government of Bombay city came in 1888. The act of that year was a belated echo of the tumult of Lord Ripon's reforms. The resolution of his government dated May 18, 1882, proposed an extension of financial decentralization whereby certain items of receipts and expenditures such as primary education, medical relief, police, etc., were to be made over to municipal and local boards.[1] Correspondence was begun with the government of Bombay relative to the matter. On January 10, 1883, a resolution was moved by Mr. Vishawanath Narayan Mandilik and seconded by Mr. P. M. Mehta, in the corporation that

> this Corporation humbly offers its respectful thanks to His Excellency, the Viceroy, for his noble efforts to systematize and properly direct the measures for the extension and consolidation of local self-government in India and expresses the earnest hope that in the bills now under consideration the municipal laws of Bombay passed by the governments of Sir Seymour Fitzgerald and Sir Philip Wodehouse may be further amended by investing the representatives of the city with a larger and more substantial share in the administration of their own affairs.

Negotiations proceeded regarding the transfer of provincial receipts. On March 2, 1883, the Town Council appointed a committee to confer with the municipal commissioner relative thereto. It reported but the Corporation was not satisfied with the financial proposals and asked more extensive powers of self-government. A new committee was appointed to consider what departments of administration the municipality should ask for. It reported August 11, 1883. Among other things it proposed that the Corporation should be increased from sixty-four to seventy-two, selected as follows:[2] thirty-six by the rate-payers;

[1] D. E. Wacha, *The Rise and Growth of Bombay Municipal Government*, p. 292.

[2] *Ibid.*, p. 295.

twenty-four by the justices; two by the university Fellows; two by the Chamber of Commerce; eight to be appointed by the government.

All graduates of the university were to be given the franchise. The Bombay government announced that it had a new measure under consideration, but it was the keenest opponent of the schemes of Lord Ripon, and delayed unconscionably. Almost four years elapsed in silence while Lord Reahy deliberated. On July 5, 1886, the Corporation passed another resolution requesting copies of the bill and on July 16, 1887, the bill was finally introduced.

At the time the constitutional law of Bombay city was embodied in eleven separate enactments. The first purpose of the new bill had been to consolidate the law, but the opposition succeeded in securing some liberal concessions and the bill was finally passed with general approval.

The act as finally adopted after this very full discussion, not only in the Council itself, but in the press and by the municipal body which it more immediately concerned, was an elaborate law.[1]

It enlarged the Corporation to seventy-two members, of whom thirty-six were to be elected by wards, sixteen by justices, two by fellows of the University, two by the Bombay Chamber of Commerce; sixteen were to be appointed by the government. Voters were to be required to be residents of the ward, twenty-one years old, who either paid thirty rupees in taxes or were graduates of a university. The Corporation was authorized to elect a president, but the commissioner who did the bulk of the work was still appointed by the government. The changes in the powers and functions of the corporation were trivial.

The Bombay constitution has worked well and the citizens have shown both public spirit and ability in the conduct of the administration.[2] At the outbreak[3] of the war in 1914 the three cities were still being governed under the acts of 1888 for Bombay, 1899 for Calcutta, and 1904 for Madras. Calcutta had begun to agitate for a new measure in 1913, but the outbreak of the war stopped any further action.

[1] The provisions of this act attracted attention on the continent of Europe. The act may be found in full in *Bombay Code*, III, pp. 2 *et seq.* Act III of 1888.

[2] W. W. Hunter, *Imperial Gazetteer of India*, IV, 296.

[3] *Bengalee*, June 13, 1913, p. 5, col. 1.

CHAPTER XI

THE MORLEY-MINTO REFORMS

Russo-Japanese War—a new era inaugurated in India
Manifestation of the new spirit—unrest
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- Example of Japan
- Education
- Treatment of Indians in other colonies
  - Partiality shown Boers
- Plague
- Famine
- Race feeling
- Curzon's reforms
- Partition of Bengal

Attitude of the government of Lord Minto—minute of 1906
Progress of the movement
- Cleavages in native opinion
  - Extremists and moderates
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- Formation of the All-India Moslem League
- Government reform circular, August 24, 1907
- The Council of India Act, 1907—admission of two natives to the Council of India
- The course of the agitation
  - Songs
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Effect of the agitation on the policy of the government
- Repressive measures
  - Seditious Meetings Act, 1908
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  - Newspapers' Incitement to Offences Act, 1908
  - Act to prohibit associations dangerous to public peace, 1908
- Further concessions
  - Admission of an Indian to the Executive Council of the viceroy
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Its main features
Extension of budget discussion—resolutions
Extension of interpellation—supplementary questions
The working of these two features
The non-official majority in the enlarged provincial councils
The official *bloc* in the Imperial Council
The working of these two features
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The dropping of the advisory council scheme
Authorization for provincial executive council
Attitude toward the reforms
English
Native
Reasons for failure

The year 1904 and the Russo-Japanese War stand as the water-shed between the old and the new in the political life of India.[1] The Japanese victory seemed to be the detonator that set off a series of political explosions in the Oriental world which had been slowly preparing since the Abyssinians crushed the Italians at Adowah. In 1906 Persia roused itself to an ephemeral constitutional régime. Turkey began to experience the stirrings of the young Turks which resulted in the revolution of 1908. Symptoms of unrest began to agitate Egypt and Algeria.

In India, as H. P. Mody expressed it:

> The success of the Island Empire of the East has opened up a vista of glorious possibilities. It has shattered the old time belief in the unvulnerability of Western might and power. Men gaped with astonishment when they saw a power which had dominated the councils of Europe crumble into dust before the vigorous arm of a nation of patriots. This stirred into activity the East that was slowly awakening from her slumbers. What Japan has done India can do—thus men argued. The wish is often father to the thought and what men wish to believe they accept without critical examination. Thus the success of Japan has created a spirit of emulation in the breast of every Indian patriot.[2]

Many of the causes for the restlessness in India were of long standing, and the feeling itself was by no means new. It had been more or less in evidence since Lord Lytton's term, and even before. The new feature was the numbers involved.

The educational system had continued to turn out annually its thousands,[3] a certain percentage of whom invariably were crowded out in

[1] Sir A. C. Lyall, in Introduction to Chirol's *Unrest in India*, IX.

[2] H. P. Mody, *The Political Future of India*, p. 72.

[3] The extent of the advance that had taken place in the development of the educated classes can hardly be judged by statistical tests, but it may be mentioned

the struggle for government positions and in consequence cherished a varying degree of vindictiveness against the government. All of them, says Rees in his *Real India*,[1] "imbibed sedition with their daily lessons. It would be hard for students of any race to study the struggle for English constitutional liberty without feeling irked at an alien rule. The miracle is that England has not had to face far more difficulties than she has."

Mr. Crosthwaite describes the situation with these words:

> That England was bound to educate the people of India, let the consequences be what they might, is admitted by most men. . . . . If you teach a man English you cannot prevent him from reading, and if he reads a few pages of English history or a few of Scott's or Thackeray's works it is enough to set him thinking and comparing his lot with that of the others. If you do not like this kind of spirit, said a native school master some thirteen years ago, do not let them read about King John and the Magna Charta.
>
> No greater praise can be given England's administration than the passivity if nothing more of thousands of those who have been educated at her hands.[2]

The treatment of Indians in other colonies contributed to this feeling.[3] The resentment was cherished particularly against the South African colonies. In Natal, East Indians might be imported as indentured laborers, but those remaining after the expiration of their terms were subject to a three-pound poll tax. No immigration was allowed except to those speaking a European language. In the Transvaal after 1885 they were subject to a three-pound fee as traders and could not hold land registered in their own names. They were classed as natives

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that within the preceding twenty years the number of scholars studying English had risen from 298,000 to 505,000; whilst the number of students passing the annual matriculation examination of the Indian Universities had increased from 4,286 in 1886 to 8,211 in 1905, and the number of Bachelors of Art from 708 in the former year to 1,570 in the latter. During this period higher education had penetrated to circles which a generation ago had hardly been affected by its influence.

In addition, thousands of students had begun to seek the universities of England, Germany, France, and the United States. After the Russo-Japanese War Japan became another center.

P. Mukherji, "Government of India Circular," *Indian Constitutional Documents, 1773–1915* (Aug. 24, 1907), pp. 211–13. S. N. Sing, "India's Coming Greatness," *Arena*, XXXIX (1908), 403.

[1] J. D. Rees, *The Real India*, p. 161.

[2] C. H. T. Crosthwaite, "The New Spirit," *Blackwood's Magazine*, CLXXX (Sept., 1906), 408–9.

[3] L. W. Hitch, "The Burden of the British Indian in South Africa," *Imperial and Asiatic Quarterly Review*, 3d Ser., XXIII, 75-76.

and subjected to discrimination in railroad carriages, trains, and cabs. In Cape Colony the restriction of immigration by the European-language test barred them. The Orange River Colony in 1888 expelled all Indians. The generous treatment accorded the Boers was felt to be partiality. It was said:

> A few years ago it took nearly all the resources of Britain to subdue a comparatively insignificant number of Boer farmers who had drawn their swords and rebelled against the supreme government. The Boers were conquered, and within an amazingly short period of time they were given that self-government for which Indians are striving in vain. The Transvaal and the Orange River Colony possess Parliament and home rule in spite of the fact that they strove to the utmost of their ability to drive out the British flag from South Africa. It must be admitted that this unexampled act of magnanimity is not a little puzzling to Indians if indeed the bewilderment is limited to them. The bitterness of the comparison is accentuated by the allegation that while one of the causes of the Boer War was the ill-treatment of Indians by the government of President Kruger, so far from the slightest relief having been afforded by British rule in the two colonies, our Indian fellow-subjects who were formerly chastised with whips are now chastised with scorpions.[1]

There were various supplemental irritants.[2] Some of them seem to have stirred the deeps of the masses of Indian humanity. The bubonic plague fastened itself in endemic form on the country in 1896. In a blind fashion the government was blamed. Some of the more rabid papers even accused the government of deliberately spreading the disease by poisoning the wells in order to reduce the population and keep India more easily in subjection. More or less chronic famine was a similar irritant and was aggravated by the general world-wide rise in prices.[3] In 1900 occurred what was called the worst famine of the century, with some six million under relief.

Among the higher classes race feeling seems to have been growing in intensity[4] and coupled with it a conviction that India was being economically exploited if not plundered by English exporters and manufacturers.

[1] E. C. Cox, "Danger in India," *Nineteenth Century Review*, LXIV (July–Dec., 1908), 946–47.

[2] Sir E. F. Law, "Disaffection in India," *Blackwoods Magazine*, CLXXXII (Aug., 1907), 295.

[3] F. Abraham, "Was Lord Curzon's Policy a Success?" *Imperial and Asiatic Quarterly Review*, 3d Ser., XXVII (1909), 294.

[4] *Englishman*, April 26, 1900, p. 3, col. 2.

One of the first manifestations of the change in tone came at the Congress of 1904 when the venerable Dadabhai Naoroji said:

"The rising generation of Indians may not be able to exercise that patience which we of the passing and past generation have shown,"[1] and asserted that a spirit of discontent and dissatisfaction was widely spread among the Indians in India.

The truth of Dadabhai Naoroji's statement does not seem to have been realized.[2] In part it was obscured by the fact that Lord Curzon was approaching the completion of his *twelve labors* and the Anglo-Indian community shared to a great extent the irritation which they had produced.

The spark that started a series of passionate protests and was the precursor ultimately of an organized program of violence was the partition of Bengal, one of the last of Lord Curzon's administrative reforms. A large area of Eastern Bengal was separated from the original province and added to Assam, which in turn was raised to the grade of a lieutenant-governorship under the title of Eastern Bengal and Assam.

The Bangalis[3] who were by far the most numerous and the most advanced of the races affected, were divided between two separate administrations, and they resented the obliterations of the old historic province of Bengal Proper by an artificial arrangement, which appeared to have been designed with the single idea of administrative convenience. A section of the Bengalis also entertained the belief that this scheme of administration was in reality intended to destroy their predominance in the Lower Provinces, and that it had been carried through on the principle *divide et impera;* and this belief helped to swell the tide of resentment.

The motive[4] for partition may have been merely administrative but many found it difficult to believe that it was never regarded by Lord Curzon as a possible way of weakening the political influence of the Bengalis, or as a means of benefiting the large Mohammedan population of Eastern Bengal. Bengal Hindus persuaded themselves that partition was a political move on the part of the government aimed at them. In Eastern Bengal and Assam the Hindus believed that it was a plot hatched in favor of the Mohammedans, and hence the gradual stirring

[1] *Bombay Gazette* (Dec. 24, 1904), p. 11, col. 1.

[2] *Englishman*, March 16, 1905, p. 10, col. 4; p. 11, col. 4.

[3] "The Changes in India and After," *Dublin Review* CL (Jan.–April, 1912), 290.

[4] A. E. R., "Some Indian Problems," *Imperial and Asiatic Quarterly Review*, 3d Ser., XXVI (July–Oct., 1908), 77.

up of the racial feeling in Eastern Bengal. This feeling was aggravated and made dangerous by the belief of the Hindus that government sided with the Mohammedans. The native press asserted that government officials even encouraged and abetted any violence on the part of Mohammedans toward Hindus. The known and well-tested impartiality of the English was of small avail against the wild statements and rumors.

The government argument was that

> this so-called "Partition of Bengal" was rendered necessary by the overwhelming burden thrown upon the Bengal government through the administrative needs of an unwieldy and densely populated province. Even as reduced in size the province of Bengal covers 141,580 square miles with a population of fifty-four millions of people, or an area 20,000 miles greater than Great Britain and Ireland; and a population greater by twelve millions. These facts alone are sufficient to show the unreasonableness of the factious opposition raised by so many of the excitable educated Bengali Hindus, prominent among whom were Calcutta lawyers who feared that many of the legal cases that had hitherto come to them would be transferred to the courts at the headquarters of the enlarged province.[1]

The partition was announced on July 20, 1905.[2] On August 7, 1905, a meeting was held at the Calcutta Town Hall in protest. It was at this meeting that the Swadeshi Movement received its original impetus. In name it signified the promotion of indigenous commerce and manufacturers. When no heed was given to the protests in the press and on the platform, and the partition duly went into effect on October 16, 1905, the Swadeshi Movement took on more and more of a political aspect, rapidly developing into a boycott of serious dimensions. In October[3] there had been swadeshi riots at Calcutta, where merchants were discovered palming off European goods as Indian, and at Poona, where a bonfire was made of European goods. After the partition went into force the Bengalis went into mourning and inaugurated the practice of keeping "Partition Day" as an annual day of mourning.[4] Three thousand men went out on a demonstration strike in Calcutta. There was also a demonstration in Bombay. Schoolboys were particularly active in enforcing the boycott.

[1] John Morley, "Signs of the Times in India," *Edinburgh Review*, CCVI (July–Oct., 1907), 294.

[2] Sir Donald Robertson, "Some Reflections on Modern India," *Proceedings of the Royal Colonial Institute*, XXXVIII (1906–7), p. 36.

[3] *Bombay Gazette*, October 14, 1905, p. 9, col. 3.

[4] *Ibid.*, October 21, 1905, p. 11, col. 3; p. 12, col. 1.

On the positive side there were some attempts at starting native-owned and -operated industries of one kind or another to supply domestic demand. Most of these came to grief, but some survived permanently after the occasion for them lost some of its stimulus by the repeal of the partition as one of the boons granted by the king at the durbar of 1911.

There were, throughout the two Bengals, many areas in which the anti-British party established a reign of terror;[1] where the potter, washerman, and barber were afraid to serve those denounced as not complying with boycott ideals; where the man wearing clothes of British manufacture was liable to have them torn from his back; and where the dealer in imported cloth, salt, or sugar was liable to have his goods destroyed and his shop set on fire. The police records of the two Bengals for four years were filled with cases of this nature, and the number of cases reported was probably only a small proportion of the total. The discontent speedily spread into the Punjab and the Mahratta country, especially Poona, which had for some time been a center for the restless spirits of India.

On November 25, 1905, Lord Minto landed in Bombay to succeed Lord Curzon as viceroy. He perceived the situation and set to work to devise reforms. In his own words:

> When I took up the reins of government as viceroy in the late autumn of 1905, all Asia was marvelling at the victories of Japan over a European power—their effects were far reaching—new possibilities seemed to spring into existence—there were indications of popular demands in China, in Persia, in Egypt, and in Turkey, there was an awakening of the Eastern world, and though to outward appearances India was quiet, in the sense that there was at that moment no visible acute political agitation, she had not escaped the general infection, and before I had been in the country a year I shared the view of my colleagues that beneath a seemingly calm surface there existed a mass of smothered political discontent, much of which was thoroughly justifiable and due to causes which we were called upon to examine. We heartily recognized the loyalty of the masses of the people of India, and we were not prepared to suppress new but not unnatural aspirations without examination. You cannot sit on a safety-valve no matter how round the boiler may be. Something had to be done and we decided to increase the powers and expand the scope of the Act of 1892.[2]

[1] H. C. Streatfield, "A Bengal Civilian's View of the Indian Deportation," *Nineteenth Century Review*, LXVI (July–Dec., 1909), 20.

[2] *Proceedings of the Legislative Council of the Governor-General of India*, XLVIII (Jan. 25, 1910), 48.

In August, 1906, Lord Minto, in pursuance of this feeling, issued a minute. Of it he said:

It was based entirely on views I had myself formed of the position of affairs in India. It was due to no suggestions from home. Whether it was good or bad, I am entirely responsible for it. It dealt with the conditions it appeared to me the government of India had then to consider and as it is answerable for much that has followed in its wake, my honorable colleagues will perhaps allow me to read it to them. This is what I then wrote:

"I feel sure my colleagues will agree with me that Indian affairs and methods of Indian administration have never attracted more public attention in India and at home than at the present moment. The reasons for their doing so are not far to seek. The growth of education, which British rule has done so much to encourage, is bearing fruit. Important classes of the population are learning to realize their own position, to estimate for themselves their own intellectual capacities and to compare their claims for an equality of citizenship with those of a ruling race, whilst the directing influences of political life at home are simultaneously in full accord with the advance of political thought in India.

"To what extent the people of India are as yet capable of serving in all branches of administration, to what extent they are individually entitled to a share in the political representation of their country, to what extent it may be possible to weld together the traditional sympathies and antipathies of many different races and different creeds, and to what extent the great hereditary rulers of native states should assist to direct imperial policy are problems which the experience of future years can alone gradually solve.

"But we, the government of India, cannot shut our eyes to present conditions. The political atmosphere is full of change, questions are before us which we cannot afford to ignore, and which we must attempt to answer, and to me it would appear all-important that the initiative should emanate from us, that the government of India should not be put in the position of appearing to have its hands forced by agitation in this country or by pressure from home, that we should be the first to recognize surrounding conditions and to place before His Majesty's government the opinions which personal experience and a close touch with the every-day life of India entitle us to hold.

"This view I feel sure my colleagues share with me. Mr. Morley cordially approves it and in pursuance of it announced on my authority, in his recent budget speech, my intention of appointing a committee from the viceroy's Council to consider the question of possible reforms. Such inquiries have, as you are aware, taken place before. There was the Commission, over which Sir Charles Atchison presided, to inquire into the employment of Indians in the public services and we have also the notable report of the committee appointed by Lord Dufferin to consider proposals for the reconstruction of legislative councils on a representative basis [1888] over which Sir George Chesney presided, and of which the present Lord Macdonnell was secretary.

It is curious to see from that report how similar conditions and arguments were then to what they are now, with the one great exception that we have now to deal with a further growth of nearly twenty years of increasing political aspirations.

"But though increased representation is still the popular cry it was in 1888, other demands, or rather suggestions, are shaping themselves out of a foreshadowed metamorphosis. We are told of a council of princes, of an Indian member of the viceroy's Executive Council, of an Indian member of the secretary of state's Council, and in addition to the older claims put forward on behalf of increased representation on the legislative councils, we are asked to consider new procedure as to presentation of the budget to the viceroy's Legislative Council, a prolongation of the budget debate, and further opportunity for financial discussion. As to possibilities such as these, I would be grateful for the opinion of the committee I hope to appoint, limiting myself for the present to only one opinion, that in any proposal for the increase of representation it is absolutely necessary to guard the important interests existing in the country as expressed in paragraph 7, page 3, of the report of Sir Charles Aitchison's committee, viz.: (*a*) the interests of the hereditary nobility and landed classes who have a great permanent stake in the country; (*b*) the interests of the trading, professional, and agricultural classes; (*c*) the interests of the planting and commercial European community; and (*d*) the interests of stable and effective administration.

"The subjects I should propose to refer to the committee are: (*a*) a council of princes, and if this is not possible, might they be represented on the viceroy's Legislative Council; (*b*) an Indian member of the viceroy's Council; (*c*) increased representation on the Legislative Council of the viceroy and of local governments; (*d*) prolongation of the budget debate, procedure as to presentation of the budget, and powers of moving amendments.

"This minute is circulated for the information of members of the Council from whom I shall be glad to receive any suggestions or expressions of opinion which they may desire to make and which will be communicated to the committee. When the committee has reported, their report will be laid before the Council for full consideration."

That note elicited valuable opinions and was fully discussed in Council and, though, as you are aware, its suggestions were not accepted in their entirety by the government of India, it laid the foundation of the first scheme of reform they submitted to the secretary of state.[1]

As the discontent grew stronger and more general, wide divergencies of opinion began to appear. Gradually they coallesced into two types of thought, which came to be characterized as the moderates and extremists. One believed that the best prospects of India lay in a gradual

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XLVIII (Jan. 25, 1910), 49–50.

constitutional acquisition of successive privileges from the English government, until ultimately India should become a new self-governing colony of the British Empire. The other was anti-British through and through and sought the entire expulsion of England as soon as possible from India. It was usually preferred that it be without violence, but England must be made to go at any cost.

In the Congress group itself the same cleavage of thought began to develop early in 1906, and the two factions, the moderates and the extremists, began to take form. This became evident some months before the Congress of 1906 at Calcutta. The fight centered on the presidency. Babu Bhupendranath Boss, secretary of the People's Association and leader of the moderates, finally secured the office for Dadabhai Naoroji, instead of Tilak, the candidate of the extremists under the leadership of Bipin Chandra Pal.

"The Grand Old Man of India's" prestige succeeded in holding the factions together, but the tone of the sessions was such as to lead the *Englishman* to say: "The Congress had been captured by the extremists."[1] The struggle came to a climax the following year when in December, at the Surat session, the moderates of the Congress had a desperate battle with the extremists over the control of the Congress, which finally ended in a free-for-all fight.

Most significant of all, in 1906 the Mohammedans abruptly abandoned their policy of political inactivity. There were several reasons for this. The number of educated among them had tremendously increased. Syad Ahmed Khan was dead. Politics were in the air as never before in India. Moreover, they had grown alarmed and felt compelled to engage in political life to protect their interests from the Hindus.

Early in December (1906) the Nawab of Dacca issued a circular to the principal Mohammedans of India detailing a scheme for the formation of a "Moslem All-India Confederacy," the chief objects of which were to be

> to support, whenever possible, all measures emanating from the government and to protect the cause and advance the interests of our co-religionists throughout the country, to controvert the growing influence of the so-called Indian National Congress, which has a tendency to misinterpret and subvert British rule in India, or which might lead to that deplorable situation, and to enable our young men of education, who for want of such an association have joined

[1] *Englishman*, December 27, 1906, p. 14.

the Congress camp, to find scope, according to their fitness and ability, for public life.[1]

In the circular the Nawab went on to say:

There is, I believe, some disinclination to state our objects and reasons in this bold and blunt manner, as it will, it is contended, arouse the ire and anger of our Hindu brethren. But I think the time has come when we must no longer mince matters, and if we really desire to serve our Hindu brethren and wish them to be a sure and safe support to the British rule, we must not stand upon sentiment—it is a mere sentiment that is causing such havoc and misery in the matter of the present partition of Bengal—and the question that we as Mohammedans must honestly discuss and decide is, whether the policy now openly declared by those who are termed "extremists" is one conducive to the maintenance of the British Raj, and if, as we must hold, it is not, we must then consider whether those gentlemen forming the extremist party do or do not form part and parcel of the Indian National Congress, and unless the Congress in open and public assembly and by a resolution dissociates itself with the views of this party, we Mohammedans cannot countenance or be associated with the Congress. We are sorry, but we cannot deny that this so-called Indian National Congress has become a potent voice in the councils of the country, but we must, therefore, as loyal and true subjects of the British Raj, do our utmost to controvert and thwart that influence which it has attained when we find it working for the destruction of all that we hold dear.

The circular—which concluded with an appeal to all Mohammedans who intended going to the Educational Conference at Dacca to go fully authorized to discuss the scheme detailed at a special political conference, and to others to communicate their views in writing to the Nawab Mohsin-ul-mulk—met with a good deal of criticism on account of the hostility to the Indian National Congress which it advocated.

At the Educational Conference[2] a motion was carried unanimously for the formation of an "All-India Moslem League" to promote among the Mohammedans of India feelings of loyalty to the British government and to remove any misconceptions that may arise as to the intentions of government with regard to any of the measures; to protect and to advance the political rights and interests of the Mohammedans of India and respectfully to represent their needs and aspirations to government and to prevent the rise among the Mohammedans in India of any feelings of hostility toward other communities without prejudice to the other objects of the League. A strong Provisional Committee was formed

[1] Edward E. Lang, "The All-India Moslem League," *Comtemporary Review*, XCII (July–Dec., 1907), 345–46.

[2] *Ibid.*, p. 344.

with power to add to its number, and the joint secretaries appointed were the nawabs, Vicar-ul-mulk and Mohsin-ul-mulk, two of the most important members of the Mohammedan community and men of great intellectual capacity. They were charged to frame a constitution within four months and convene a meeting of Indian Mohammedans to lay the constitution before them. The Committee did their work and in September, 1907, the All-India Moslem League assembled at Lucknow for its first session.

In England the agitation had its reflection in articles on "Unrest in India." They presented as a rule the conventional view, that the unrest did not amount to much and was only a sentiment at most cherished by some of those very few whom England had made the mistake of educating. At all events it must be firmly suppressed. Some, however, were more discerning.

In India the tension steadily became more severe, but Lord Minto, at the same time, persevered in his reform measures. On August 24, 1907, the government of India dispatched a circular to the different local governments asking opinions on a reform program which had been elaborated from Lord Minto's minute of August, 1906. It dealt in detail with the proposal for an imperial advisory council, and then treated in more general terms of the feasibility of provincial advisory councils, the enlargement of the imperial and provincial legislative councils, the discussion of the budget in them, and the Mohammedan representation in both. The main outlines proposed were very like those of Lord Minto's minute of 1906 and, except for the advisory councils, like the proposals finally adopted. The opinions of the government and various individuals were included with an elaborate dispatch to the secretary of state, dated October 1, 1908. They were published as a *Parliamentary Blue Book* of over fifteen hundred pages.[1]

In England the secretary of state for India, Viscount Morley, was no less aware of the seriousness of the Indian situation, and perceived the necessity for readjustments. He not only gave hearty support to Lord Minto in India, but inaugurated measures of his own. The first of these was the admission of two natives to the Council of India.

The Council at the time was supposed to have twelve members but in point of fact for several years it had not had more than eleven and usually ten.[2] At the moment there were only nine, although the secretary of state had recently made two appointments. This condition

[1] "Advisory and Legislative Councils," *Parliamentary Papers*. East India, 1908.

[2] *Parliamentary Debates*, 4th Ser., CLXXXI (1907), col. 430.

would have made it possible to appoint two natives of India to the Council without more ado. It seemed best, however, to Viscount Morley to secure more formal approval from Parliament, and effect some other alterations which seemed desirable in the Council. Accordingly he introduced a brief measure which was railroaded through Parliament during the closing hours of the session of 1907.

In his explanation of the bill, Viscount Morley merely said that,

> When the government of India was transferred to the government of the Crown, the number of the members of the Council was fixed at fifteen, but since then for various reasons with which he need not trouble the House, the number had been reduced to twelve. Under present circumstances it had seemed to the government perfectly clear that it was desirable to have larger room for the representation of various interests which were becoming more and more important. Therefore they asked the House to increase the number of members of Council from twelve to fourteen. The secretary of state would not be obliged to appoint fourteen members but the Council must never consist of less than ten members.[1]

He then went on to deal with the requirements, that at the time of appointment a member must not have been absent from India more than five years, instead of twenty-five, and the reduction of the salary from 1,200 pounds to 1,000 pounds. The chief criticisms were those by Mr. A. J. Balfour, who objected to the reduction of pay, and Mr. C. J. O'Donnell, who said, "There was nothing he regarded with greater fear than the introduction of native members into the secretary of state's Council unless they were sure they were representative men."[2]

The bill contained no reference to natives of India. Viscount Morley, in speaking on Mr. Laidlaw's amendment to insert "that of the members of the Council two shall be natives of India and two others of not less than ten years' residencies in India who have not been in the service of the government," said:

> The Amendment proposed to do the very thing that all wise statesmanship forbid them to do, namely to set up racial standards. There ought to be no statutory recognition of the differences of race . . . . all our civilising processes depend upon softening those differences so far as they could do. On that ground he was unwilling to recognise in a statute such a word as race.[3]

The amendment was withdrawn.

[1] *Parliamentary Debates*, 4th Ser., Vol. CLXXIX (1907), cols. 1673–74.

[2] *Ibid.*, col. 1676.

[3] *Ibid.*, cols. 1979–80.

The bill[1] passed into law with a general hope that was expressed by Lord Ampthill,[2] when he said:

It is a step, a very decided step in the direction of meeting the hopes and wishes of those classes in India who, taught and inspired by ourselves to aim at political progress on Western lines, aspire to take a greater share in the government of India, and to exercise a larger influence on that government.[3]

Viscount Morley lost no time in availing himself of the approval implied in the act. He himself thus described his nominees:

The first native members of this Council are (1) a Hindu, Mr. Krishna, Gobinda Gupta, who is a member of the Bengal Civil Service of thirty-four years' standing, and a member of the Board of Revenue; and (2) a Mohammedan, Mr. Saiyid Husain Bilgrami, a distinguished servant of the Nizam of Hyderabad, who has for many years been director of public instruction in that state, and who has also been a member of the viceroy's Legislative Council. Both these gentlemen are experienced administrators, and their admission to the Council of India should prove an undoubted benefit.[4]

Native opinion was not enthusiastic. The *Hindu*, of Madras, represented it when it said editorially of the selection made that it came more or less as a surprise, as they had not been mentioned before, and their claims were not particularly strong.[5] It speculated whether R. C. Dutt's association with the Congress had cost him the place.

[1] The Council of India Act of 1907 was very brief consisting of but five sections. A summary follows:

1. "The Council of India shall consist of such number of members not less than ten and not more than fourteen as the Secretary of State may from time to time determine."

2. In Section 10 of the Government of India Act of 1858 the ten years' limit within which a member must at the time of his nomination have been in India was changed to five.

3. In Section 13 of the same act the salary provision of 1,200 pounds was reduced to 1,000 pounds.

4. In Section 2 of the Government of India Act of 1858, the term of office was changed from ten to seven years.

5. "The Council of India Act of 1876 and Council of India Reduction Act of 1889 are hereby repealed."

[2] The chronology of the Council of India Bill, 1907, was: In Commons, it was read the first time on July 25; second time on August 5; third time on August 6. In Lords it was read the first time on August 7; second time on August 15; third time on August 26. It received the royal assent on August 28.

[3] *Parliamentary Debates*, 4th Ser., Vol. CLXXX (1907), col. 1565.

[4] J. Morley, "Signs of the Times in India," *Edinburgh Review*, CCVI (1907), 305.

[5] *Hindu*, September 5, 1907, p. 1., col. 3.

The agitation was in no degree checked by the Council of India reform or the scheme presented by the minute of Lord Minto, both of which came at approximately the same time. As a matter of fact they attracted little attention. Later in 1907 Mr. Gokhale, speaking in the Imperial Legislative Council, said of the minute:

> If the honorable member expected that the publication of the government scheme of August last would allay the discontent in the country in any degree, he was bound to be disappointed. The scheme is neither large nor generous and in some respects is not a scheme of reform at all. Disappointment has intensified the prevailing feeling of discontent. As though this was not enough the language employed in explaining the proposals is in some places unnecessarily offensive to certain classes.[1]

In India during 1907 the situation grew steadily worse.[2] Violence had begun before the circular was issued or the Council of India bill passed when serious riots suddenly broke out in Rawal Pindi in the Punjab, where there was general discontent at the land revenue assessments and conditions imposed on canal colonies. In connection with these, Lajapat Rai and Ajit Singh were arbitrarily deported to Mandalay under an old act of 1818. Later in 1907 serious riots occurred in Calcutta, when the police tried to break up a meeting and were beaten by rioters. Inquiry was boycotted by natives and produced no result. On December 6, 1907, an attempt was made to blow up the lieutenant governor's train. On December 23 Mr. Allen, a magistrate of Dacca, was shot but not killed, while going from the train to the boat at Goalundo, by a Bengali who escaped. In March, 1908, Mr. Hickinbotham, a missionary, was shot but not killed by a Bengali while walking.

Bipin Chandra Pal toured Madras, which had hitherto been quiet. In the Tinnevelly district he was arrested but released on appeal. A meeting to celebrate the event was prohibited but held. The leaders were arrested. The town and district rose, but were put down by troops.

On April 30, 1908, at Mozufferpore in Bengal, a carriage with two English ladies was blown to pieces by a bomb intended for the judge, Mr. Kingsford. Two students were responsible. One, Khudra Ram Bose, was arrested. The other shot himself. Bose was executed. On June 22, a train near Kankinarah station was held up by a red lantern and a bomb thrown into a second-class compartment, resulting in serious

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XLVI (Nov. 1, 1907), 45.

[2] "The Writing on the Wall," *Blackwoods Magazine*, Vol. CCVIII, September, 1908, *et seq.*

injury to three European assistants in a jute factory. It was ascribed to vengeance for Bose.

In July, journalist Tilak, who had been sentenced in 1897 by Sir Arthur Strachey to prison for eighteen months, was again sentenced to a prison term for an article in the *Kesari*. Serious riots by mill hands in Bombay and Nagpur followed the news of his conviction.

On August 12, at Shamnagar near Calcutta on the Eastern Bengal railroad, a bomb was thrown at a train. On August 13 two bombs were found outside Chandernagore (French) on the railroad embankment. During this time bombs were discovered in various places in Calcutta and a second attempt was made on the lieutenant governor's train. The most sensational discovery was that of a bomb factory in a garden house at Manicktellah in the heart of Calcutta. Thirty-two were arrested in connection with it. Explosives and books and the paraphernalia of a regular school were found in connection with it.

The agitation was not confined to terrorism. There were songs[1] like the "Bande Mataram" by S. M. Mitra,[2] which called forth a dispute

[1] A translation of one of the most popular of the songs, of which phonographic records were at one time proscribed, follows:

"AMAR DESH" (MY MOTHERLAND)

By D. L. Roy

O my Banga, O my Mother, O my nurse, O Country mine
Why dishevelled are thy tresses, lusterless thy look divine?
For thy seat this lowly dusty, for raiment this thy tattered gear,
When thy seventy million children call thee fondly "Mother dear."
There's no pain, and there's no shame, and there's no grief, no sorrow's brand,
When the seventy million voices sing in chorus "Motherland."
Here arose Lord Buddha, Great, who opened Nirvan's gates above.
Half the world still kneel before Him worshipping in fervent love.
King Asoka spread his deeds from Kandahar to th'azure main
Art thou not their country, Mother? Of these Gods the holy fane.
Once thy great victorious army conquered Lanka with such ease,
Once thy ships sailed freely o'er the waters of the eastern seas.
Once thy sons o'er Cheen, Japan, Thibet led their learned lore.
Is it thus and is it thou in rags and weeping evermore?
Here the sky with Nimai's Kirtan, with "Mridangas" music rang.
Raghu wrote his learned logic, chandidasa sweetly sang.
Bravely fought Pratapaditya. Blessed be thy Mother's name.
Blessed are we, if some drops of blood of theirs we still can claim.
Though thy light Divine has vanished, and thy days are dark as night,
Clouds will pass away and glory shine in lustre fresh and bright.
Men we are and not mere sheep, We will revive thy glory grand.
O my Goddess, O my life's goal, O my Heaven, My Motherland.

—*Bengalee*, September 17, 1909, p. 5, col. 2; and *ibid.*, December 10, 1908, p. 5, col. 3.

[2] "Bande Mataram," *East and West Magazine*, V, Part 2, 1077 *et seq;* (A friend of Bengal), *Fortnightly Review*, XCV (1911), 151.

as to whether it was an invocation to "Mother Kali," the goddess of death and destruction, or a glorification of the "Motherland." Whatever its real meaning the phrase was adopted as a slogan in the agitation. Speeches[1] became more and more bitter. Plays,[2] books, and articles[3] poured from the press. Every conceivable method was resorted to in order to spread the cult of *Swaraj* or self-government, which became the cry of the radicals. "Volunteers" were organized largely among the

[1] The following extracts from the reported speech of Mr. Subramania Sive, delivered before an audience of 1,500 people on February 23, 1908, at Tuticorin illustrate the character of some of the speeches.

"Seventeen thousand firearms were stolen from Fort William. The magistrate of Dacca was shot dead. The rulers could not detect these. While it is so it is a mere trick to say that England exists for protecting the natives of India."

"Every year they take India's money from India, and leave behind currency note paper."

"If the natives of India should shut up all their gates, the foreign government would suffer."

"If five crores of us sacrifice ourselves annually we will certainly win *Swaraj*."

"The well-to-do men among the natives of India are kind to their servants, whereas English merchants are very severe."

"Japan won a victory over Russia as Japan was prepared to sacrifice twenty thousand souls."

"There will be no *Swaraj* without the shedding of blood."

"So all the Indians should overcome all the difficulties which might beset them."

"If Indians whether strong or weak come forward boldly the foreign government will collapse, and *Swaraj* will be established."

[2] J. D. Rees, *The Real India*, p. 175.

[3] *a*) The following are extracts illustrative of the type of article and speech that characterized the movement. The first is a part of the articles in the *Kesari* for which Mr. Tilak was arrested and convicted.

"The authorities have spread the false report that the bombs of the Bengalis are subversive of society. There is as wide a difference between the bombs in Europe desiring to destroy society, and the bombs in Bengal as between earth and heaven. There is an excess of patriotism at the roots of the bombs in Bengal, while the bombs in Europe are the product of hatred for selfish millionaires. The Bengalis are not anarchists but they have been brought to use the weapons of anarchists, that is all."

The article went on to say that "new desires and new ambitions have arisen among the people and are gathering strength every day," that the English were militarily weaker than the Mohammedan conquerors had been, and that the knowledge of how to manufacture bombs could not be taken away from the people. —*Bombay Gazette*, July 4, 1908, p. 12, col. 1.

b) Mr. Adamson in urging the press law cited the following articles from an extra edition of the Yugantar, as a flagrant example. One referred to the partition of Bengal and said, "The ruthless knife of the butcher has severed in twain the

students and boys.[1] They were active, ushering at the sessions of the Congress, assisting pilgrims, and maintaining order at the great religious festivals. They were the militant element of the movement, and were the enforcing power back of the boycott. Attempts were made to seduce the army.

The government was driven to measures of repression. A Regulation of Meetings Ordinance was hurried into operation in May, 1907, and as soon as possible put into the form of a Prevention of Seditious Meetings Act.[2] This provided in Section 4 (1) that

> no public meeting for the furtherance of discussion of any subject likely to cause disturbance or public excitement or of any political subject or for the exhibition or distribution of any writing or printed matter relating to any subject shall be held in any proclaimed area.

By Section 5 it was ordered that the

> district magistrate or the commissioner of police, as the case may be, may at any time by order in writing, of which public notice shall forthwith be given, prohibit any public meeting in a proclaimed area, if in his opinion such meeting is likely to promote sedition or to cause a disturbance of the public tranquillity.

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throbbing body of the motherland" and makes frantic appeals to all sons of the soil to combine and avenge the atrocity.

Another advised the Bengalis to resort to red as the color of revenge and to sing the hymn of retaliation: "A hundred heads for one head to avenge the murder of the motherland."

Another stated that a huge sacrificial fire should be lit up and fed not with ghee but with blood.

Another advocates that Indians should make use of blacksmiths' tools, lathes, and slings and stones to overmatch the enemies of their country.

Another said that "if by boycott we can gain our desires we can only be said to postpone for the present our resolve to shed blood."

Another said, "if we desire independence we should be ready to be massacred by our rulers so that their sword may become blunt."

Another exhorted men to die after killing, as therein the glory of dying would be enhanced.

Another urged the sacrifice of life for liberty, for "is it not a fact that Kali will not be propitiated without blood?"

Another advocated the methods of nihilists and the use of bombs.—*Proceedings of the Legislative Council of the Governor-General of India*, XLVII (June 8, 1908), 11.

c) The seditious publications were not confined to India. Among others the government later prohibited the introduction into India of *Justice*, the *Gaelic American*, and the *Indian Sociologist*.—J. D. Rees, *The Real India*, p. 166.

[1] J. D. Rees, *op. cit.*, pp. 178–79.

[2] *Acts of the Governor-General of India in Council* (Nov. 1, 1907). Act VI of 1907.

The act was passed in October and was to apply to such parts of India as the government might proclaim it in. As a matter of fact,[1] it was proclaimed November 1, 1907, in Eastern Bengal and Assam alone, and there but in the district of Bakarganj, but on January 13, 1910, it was extended to Bombay, Bengal, and the United Provinces. It was, however, used very sparingly. In 1911 it was replaced by a new act of practically the same provisions.

Its effect was described in these words:

> There is now almost a lull in political life in almost every part of India. Whatever be the case in presidency towns, though even there one does not hear of meetings for discussion of public questions as much as before, in the districts it looks as if all public life had ceased. The local authorities were never in favour of political movements even when the Act was not in existence. Now they are decidedly against them and no one ventures to convene a meeting likely to irritate them. In some cases meetings for social and religious reform have also come under the ban. They are not held for fear of incurring the official displeasure.[2]

The effect really, however, was apparently to drive the discontent underground. The violence grew worse. As a result of the bomb explosions and discoveries, an Explosive Substances Act was passed on June 8, 1908.[3] It provided penalties up to transportation for twenty years, or imprisonment up to seven years, plus a fine for attempting to cause an explosion or for making or keeping explosives with intent to endanger life or property.

On the same day as the passage of the Explosive Substances Act, December 11, 1908, an act for the prevention of incitements to murder and other offences in newspapers was passed,[4] permitting a magistrate under the authority of the local government to confiscate any paper as well as the press which printed it, that in his opinion contained any incitement to murder or any offence against the Explosive Substances Act.

On December 11, 1908, still another act was passed to provide for the more speedy trial of certain offences, principally political violence, and for the prohibition of associations dangerous to the public peace.[5]

[1] *Proceedings of the Legislative Council of the Governor-General of India*, XLIX (1910), 439.

[2] An Indian Thinker, "Liberty of Speech and Thought in India," *East and West Magazine*, IX (July–Dec., 1910), 962.

[3] *Proceedings of the Legislative Council of the Governor-General of India*, XLVII, 2; *Acts of the Governor-General of India in Council*, 1908, Act VI, pp. 394 *et seq.*

[4] *Ibid.*, Act VIII.

[5] *Ibid.*, Act XIV.

On the other hand, the government was not deterred from the reforms it had set out to accomplish. Viscount Morley formulated the attitude of the government:

> There are two paths of folly in these matters. One is to regard all Indian matters—Indian procedure and Indian policy—as if it were Great Britain or Ireland, and to insist that all the robes and apparel that suit Great Britain or Ireland must necessarily suit India. The other is to think that all you have got to do is what I see suggested, to my amazement, in English print—to blow a certain number of men from guns and then your business will be done. Either of these paths of folly leads to as great disaster as the other. . . . .
>
> I put two plain questions to Your Lordships. I am sick of all the retrograde commonplaces about the weakness of concession to violence and so on. Persevering in our plan of reform is not a concession to violence. Reforms that we have publicly announced, adopted and worked out for more than two years—is no concession to violence to persist in these reforms. It is simply standing to your guns. A number of gentlemen, of whom I wish to speak with all respect, addressed a very courteous letter to me the other day that appeared in the public prints, exhorting me to remember that oriental countries inevitably and invariably interpret kindness as fear. I do not believe it. The founder of Christianity arose in an oriental country, and when I am told that Orientals always mistake kindness for fear, I will say that I do not believe that any more than I believe the stranger saying of Carlyle that, after all, the fundamental question between any two human beings is—"Can I kill thee or canst thou kill me?" I do not agree that any organized society has ever subsisted upon either of those principles or that brutality is always present in the relations between human beings. . . . .
>
> My first question is this. There are alternative courses open to us. We can either withdraw our reforms or we can persevere in them. Which would be the more flagrant sign of weakness, to go steadily on with your policy of reform in spite of bombs, or to let yourself openly be forced by bombs and murder clubs to drop your policy?
>
> My second question is—Who would be the best pleased if I were to announce to Your Lordships that the government has determined to drop the reforms? It is notorious that those who would be the best pleased would be the extremists and irreconcilables because they know very well that for us to do anything to soften estrangement and appease alienation between the European and native populations would be the very best way that could be adopted to deprive them of fuel for their sinister and mischievous designs.[1]

Accordingly, after a careful consideration of the proposals of the government of India embodied in its dispatch and papers of 1908, Viscount Morley on November 27 of the same year formulated his

[1] *Parliamentary Debates*, 4th Ser., Vol. CXCVIII (Dec. 7–21, 1908), cols. 1977–79.

opinions on the proposals in a lengthy dispatch to the government of India. The following February he brought in the Indian Councils Act of 1909, and in due time after some slight amendments it passed into law.

In the midst of the debate on this bill Viscount Morley put into effect the second of his measures, the appointment of a native member to the Executive Council of the viceroy. This reform had been one of those proposed by Lord Minto in his minute of 1906. In many respects it was the most revolutionary of all the reforms. The Executive Council of the viceroy corresponded in its functions very closely to the English Cabinet. The admission of a native to it was equivalent to storming one of the main strongholds of the bureaucracy. It, however, required no authorization from Parliament.

Viscount Morley said on this subject:

> If this Bill were rejected by Parliament it would be a great and grievous disaster to peace and contentment in India, but it would not prevent the secretary of state the next morning from advising His Majesty to appoint an Indian member. The members of the viceroy's Executive Council are appointed by the Crown.[1]

Viscount Morley lost no time acting on this statement. Without waiting for the passage of the Indian Councils Act, in March, 1909,[2] he appointed Mr. A. P. Sinha[3] to be the legal member of the Executive Council of the viceroy. Mr. Sinha was one of the most successful of the lawyers of Bengal, and in every way qualified to fill the place. The selection was generally applauded. The *Hindu*, of Madras, summarized the general feeling, when it said, "The Indian public will receive with feelings of profound satisfaction and deep gratitude the news of the appointment by His Majesty the King of the Hon. Mr. S. P. Sinha as the legal member of the governor-general's Council."

Five months after the appointment of Mr. Sinha, the Indian Councils Act of 1909[4] received the royal assent. It was the last of the Morley-

[1] *Parliamentary Debates, Lords*, Vol. I (Feb. 16–May 26, 1909), cols. 1221–24.

[2] *Ibid., Commons*, Vol. III (1909), col. 29.

[3] Mr. Sinha only retained the position for one year. He resigned in 1910 to attend to his personal affairs. His place was taken by Mr. Saiyed Ali Imam, a Mohammedan, a fact which may have had some connection with his selection. Mr. Sinha was a Hindu, though not a Brahmin.—*Bengalee*, October 29, 1910, p. 5, cols. 2–3.

[4] The act is published in full in P. Mukherji, *op. cit.*, pp. 202–7.

Minto reforms.[1] It provided that legislative councils existing or subsequently created instead of consisting entirely of appointed members should also include members elected under regulations to be framed under the act. A maximum limit was placed on the number of additional members in each council, varying from sixty in the case of the Imperial Council to thirty for the Punjab, Burma, and future councils.

In the case of the councils of Madras and Bombay, there were to be four ordinary members, at least two of which should have served the Crown in India for twelve years. The governor in each case was given a casting vote, and the governor-general in council with the approval of the secretary of state in council had the power to create new legislative councils and prescribe the necessary regulations for elections.

The sixty additional members[2] of the Imperial Legislative Council under the regulations were to consist of twenty-five elected and thirty-five nominated by the government. Of the latter not more than twenty-eight were to be officials. Three were to be selected, one from the Indian Commercial Community, one from the Mohammedan community of the Punjab, and one from the landholders of the Punjab.

The most important provisions were those specifying the electorates because the securing of suitable electoral bodies has been the great stumbling-block of all self-government efforts in India. The non-official additional members of the different provincial councils were to elect eleven of the twenty-five. Of these, Madras, Bombay, Bengal, and the United Provinces chose two each; the Punjab, Burma, and Eastern Bengal one each. The district councils in the Central Provinces elected one. The landholders of Madras, Bombay, Bengal, the United Provinces, Eastern Bengal and Assam, and the Central Provinces each elected one, or six in all. The Mohammedans of Madras, Bombay, Bengal, the United Provinces, and Eastern Bengal and Assam, each chose one, making five in all. The Bengal and the Bombay Chambers of Commerce elected one each.

Elected members were required to be male British subjects with clear criminal and bankruptcy records. Debarred lawyers and dismissed

[1] The following is the chronology of the passage of the Indian Councils Act of 1909 through Parliament.

In the House of Lords: first reading, February 27, 1909; second reading, February 24, 1909; third reading, March 11, 1909. In the House of Commons: second reading April 1, 1909; third reading, April 26, 1909. Amendments of Lords concurred on May 19. Royal assent on May 25, 1909.—*Parliamentary Debates*, 1909. See Index.

[2] "Executive and Legislative Councils," *Parliamentary Papers*, East India 1909, Nov. 2, Sec. 14, p. 1; "Revised Regulations," 1912, p. 337.

public servants, and persons undesirable in the eyes of the governor-general in council were declared ineligible. The only requirement for the voters was that they be mentally competent adult males.

The regulations were first issued on November 15, 1909. They were revised in 1912, but the changes then effected were very nearly all in unimportant details. The most important were the result of the repeal of the partition of Bengal, the creation of a new legislative council in Bihar and Orissa, and the alterations made in the legislative councils of Bengal and Assam. In 1912 all officials were also disqualified for election.

The most important features of the Indian Councils Act of 1909 and the regulations promulgated thereunder were: (1) the extension of the right to discuss the budget, and the concession of the right to introduce resolutions;[1] (2) the extension of the right of interpellation to include supplementary questions; (3) the non-official majority on the provincial councils; (4) the official majority or *bloc* in the Imperial Legislative Council; (5) the Mohammedan minority representation provisions; (6) the dropping of the proposed advisory councils; (7) the authorization of executive councils in other provinces than Madras and Bombay.

What was generally regarded as the most revolutionary of the concessions was the right to move resolutions in the councils, both for matters of general interest and in connection with the budget discussion. This reform was a development of (*d*) of Lord Minto's original proposals, which read: "(*d*) Prolongation of the budget debate. Procedure as to presentation of the budget, and powers of moving amendments."

The best explanation of the purposes back of the reform is contained in Sections 57, 58, and 59 of the government of India reform dispatch of 1908. It says:

SECTION 57. . . . . By the act of 1861 under which the present legislative bodies were constituted discussion was confined to legislative proposals actually before the council in the form of bills. In 1892 this limitation was relaxed

[1] Under the regulations framed for the carrying out of this provision the discussion of general matters was permitted on any subject not in the list proscribed by the act of 1861, or affecting the relations with foreign governments, or the native states, or cases pending in the courts.

Any resolution on a general subject could be introduced but all of them were required to be clearly phrased specific recommendations, without arguments, inferences, ironical expressions, or defamatory statements, and must not refer to any individual except in his official capacity.—"Executive and Legislative Councils." Published in full in *Parliamentary Papers*, East India, Vol. X (1909), No. 24, p. 7.

to the extent of allowing debate on the annual financial statement, although no legislation was involved and in this debate it is permissible for members to draw attention to any matter they please, whether it arises directly out of the budget proposals or not. But a general debate of this character can never be satisfactory. Members do not know beforehand the subjects which are to be brought forward by their colleagues, the discussion is necessarily of a desultory character, and the absence of notice not uncommonly prevents the official members from giving full information in answer to questions that are raised.

We are of the opinion that the time has come when there should be further facilities for debate. We think that members should have opportunities for placing their views on public questions before the government, and we are impressed with the benefits which both the government and the educated public would derive from the well-ordered discussion of administrative subjects in the legislative councils, either on reference from the head of the government or at the instance of a private member. Such discussion would give the government an opportunity of making their view of a question known, and of explaining the reasons which had led them to adopt a particular line of action. We therefore propose that power should be given by statute for members to move resolutions on matters of general public importance, subject to the checks to which we shall presently refer. So far as the educated public are concerned, there can be little doubt that the right to move resolutions on such questions, and to argue these in a regular debate, will be welcomed as a very great concession, that it will be resorted to freely, and that it will tend to bring about more intimate relations between the official and non-official members. We think that the resolutions should be in the form of recommendations to the government, because this form expresses the constitutional position more precisely and emphasises the fact that the decision must in any case rest with the government and not with the Council. In the event of a resolution not being accepted by the government an opportunity would be taken of explaining their reasons.

SEC. 58. This subject was not included among those which Your Lordship authorized us to put before local governments and our letter of August 24, 1907, contained no reference to it. But it is a reform to which we attach great importance. In support of it we would point out that a similar proposal was put forward in 1888 by Sir George Chesney's committee in reference to provincial councils. They recommended that in addition to legislation it should be one of the functions of the local councils to originate advice and suggestions on any subject connected with internal administration and that their views should be embodied in the form of a memorandum addressed to the head of the government. They advised, however, that it should not be permissible to propose resolutions relating to subjects removed from the cognizance of the provincial legislative councils by Section 43 of the Councils Act of 1861, which

forbids them, except with the previous sanction of the governor-general, "to make regulations or to take into consideration any law or regulation relating to the public debt, customs, and imperial taxes, coin, bills, and notes; post-office, and telegraph; altering the penal code; religion; army and navy, patents or copyright; foreign relations. That proposal was not adopted at the time, and may have been premature in the conditions which then existed, at the least it had the high authority of the members of the committee.

SEC. 59. The discussion of administrative questions can, however, only be permitted subject to certain rules and restrictions which must be laid down. We do not feel ourselves in a position at the present stage to make exhaustive enumeration of these and we anticipate that as has been the case in the House of Commons, actual experience will lead to framing of standing orders designed to meet the exigencies of debate.[1]

Lord Morley simply approved these proposals in these words:[2]

SECTION 31. Special importance attaches to rules as to the discussion of the imperial budget, and I recognize with much satisfaction the liberality of the proposals that you have placed before me. The changes[3] under this head constitute a notable step in the direction of giving to the representatives of Indian opinion a part in the most important operation of the political year.

Closely related to the reform in the matter of resolutions was the extension of the right of interpellation to include the asking of supple-

[1] P. Mukherji, *op. cit.*, pp. 255 *et seq.*

[2] *Ibid.*, p. 279.

[3] The regulations to carry out the provision regarding the discussion of the budget forbade the discussion of the following heads:

A. Revenue: stamps, customs, assessed taxes, tribute from native states, courts, army, marine, military works.—All purely provincial revenue and revenue accruing from divided heads in the provinces possessing legislative councils.

B. Expenditure: assignments and compensations, interest on the debt, ecclesiastical, territorial and political pensions, state railways, major works, interest on the debt, army, marine, military works, special defenses, all statutory charges.—All purely provincial expenditure and expenditure accruing under divided heads in provinces possessing legislative councils.

In addition, all discussion of foreign relations and relations with the native states, and all matters under adjudication in the courts was forbidden.

In regard to resolutions it was required that they be in the form of specific recommendations to the government, clearly phrased and without arguments, inferences, or ironical or defamatory statements. They were also forbidden to challenge the accuracy of the figures in the financial statement, and required to be relevant to some statement therein. A two days' notice was required for all resolutions, and the president might disallow any he deemed contrary to the public interests.

The regulations are published in full in "Executive and Legislative Councils," *Parliamentary Papers*, East India, X (1909), 1.

mentary questions. Lord Morley said of it in his dispatch to the government of India of November 27, 1908:[1]

SECTION 30. In respect of rules on the asking of questions[2] I have come to the conclusion that subject to such restrictions as may be found requisite in practice and to the existing general powers of the president, the asking of supplementary questions met by formal replies must inevitably tend to become unreal and ineffective, and in an assembly in which under proper safeguards free discussion and debate is permitted and encouraged there can be no efficient reason for prohibiting that method of eliciting information and expressing indirectly the opinion and wishes of the questioners.

Regarding the working of the resolution and interpellation changes the Parliamentary Committee of 1918 made the following estimate:

The fact that nearly twice as many questions were asked in 1917 as in 1911 shows that serious value is attached to the right of interrogation. Supplementary questions can at present be asked only by the author of the original question; they have not been numerous but there is a desire to extend the right of putting them to any member of the Council. At the same time it cannot be said that the right of interrogation has been abused though there has been a tendency to ask for information which could be ascertained from published reports, to require elaborate statistical information which is of no practical value, and also to ask questions which would appropriately be put in local councils.

The right to move resolutions on matters of general importance and on the financial statement was conceded in 1909. The view taken at the time that this concession was perhaps the most important of all the changes has been justified by experience. In all 168 resolutions were moved in the council up to the end of the year 1917; of these 24 were accepted by government, 68 were withdrawn, and 76 were rejected either with or without a division. These figures by themselves do not give a true impression of the real effect of the resolutions. In some cases the mover withdraws a resolution because he is convinced by the government reply that his proposal is unsound; but

[1] *Bengalee*, December 18, 1908, p. 7, cols. 1–6; P. Mukherji, also, *op. cit.*, p. 279.

[2] The regulations governing the asking of questions forbade interrogations about foreign relations or dealings with the native states or any matter under adjudication in the courts. All questions were required to be framed as mere requests for information, and could not be of excessive length or contain arguments, inferences, ironical inferences, or defamatory statements or refer to anything but the official character of the persons concerned. Hypothetical questions or expressions of opinion were forbidden. In regard to matters under controversy with the secretary of state only questions as to fact were permitted. Two days' notice was required. Any question might be disallowed by the president on the grounds of public interest.—*Parliamentary Papers*, East India, X (1909), 2 *et seq*; P. Mukherji, *op. cit.*

it more often happens that a resolution is withdrawn because, though the government may for some technical or financial reasons not be able to accept the resolution in the form in which or at the time when it is moved, the spokesmen of the government have indicated that its attitude towards the mover's object is favorable. Again, many resolutions have been rejected either in pursuance of some settled policy or else because the government felt it unwise to accept them without inquiry; but the discussions have led to re-examination of the questions in issue, and at times to an ultimate change of policy as happened indeed in the case of compulsory education, and the treatment of persons dealt with under the Defence of India Act, which were both questions on which opinion was alive and active. A rough classification of the resolutions shows that some 73 can be described as fructuous.[1]

In the provincial councils,[2] the right of interpellation has naturally been used more freely than in the Indian Legislative Council. In the United Provinces Council the number of questions rose from 218 in 1910 to 458 in 1916, and in Bengal the increase has also been remarkable. In Madras we understand the number of questions has been even greater. One local government estimates that 20 per cent of the questions asked in the Council relate to information already published, and a general tendency to ask for unfruitful statistics is reported. On the other hand, questions have often served the purpose of resolutions in eliciting a statement of the government's policy, and it is, we believe, generally recognized by modern opinion that the government endeavors to answer reasonable inquiries with reasonable fullness.

In the provincial councils also

there is abundant evidence that the right to move resolutions is valued; and that the number of resolutions withdrawn when the government has indicated its benevolent intentions towards, though not its immediate acceptance of, the proposals suggests that the power has been used in moderation. There is a marked difference, however, between provinces as to the number of resolutions moved; and in some councils the chief activity is confined to a small group of members. It is clear that the provincial governments do attach weight to resolutions and exert themselves if possible to defeat those which they are not prepared to accept. Not many resolutions have been carried against the government, and when a resolution is carried, the government if it decides that it cannot give effect to the wishes of the council usually publishes its reasons for so deciding. But the effect of the resolution is by no means confined to those which are carried against or accepted by the

[1] "Constitutional Reforms," *Parliamentary Papers*, East India, 1918, pp. 79–80.

[2] *Ibid.*, p. 83.

government, for it often happens that discussion of a subject leads to positive results.[1]

The next two of the features, the concession of the non-official majority in the provincial councils, and the retention of an official majority or *bloc* in the Imperial Legislative Council were really but two parts of the same reform. In the first place, in considering them it must be borne in mind that the legislative councils, though greatly enlarged in both numbers and powers, were not in any way intended to be embryo parliaments.

In the words of Viscount Morley himself:

> If I were attempting to set up a parliamentary system in India, or if it could be said that this chapter of reforms led directly or necessarily up to the establishment of a parliamentary system in India, I, for one, would have nothing at all to do with it. I do not believe—it is not of very great consequence what I believe, because the fulfilment of my vaticination would not come off very soon—in spite of the attempts in oriental countries at this moment, interesting attempts to which we all wish well, to set up some sort of a parliamentary system—it is no ambition of mine, at all events, to have any share in beginning that operation in India. If my existence, either officially or corporeally, were prolonged twenty times longer than either of them is likely to be, a parliamentary system in India is not the goal to which I for one moment would aspire.[2]

In brief the Indian Councils Act provided for the establishment in each of the major provinces of enlarged legislative councils in which there should be a non-official majority, variously chosen by such electorates as were available, and where the difficulties of creating them were too great, appointed by the government.[3] To check any undue precocity

[1] The discussion of general matters was permitted on subjects not in the list proscribed by the act of 1861, or affecting the relations with foreign countries or native states or cases pending in the courts. Any resolution could be introduced but all of them were required to be clearly phrased specific recommendations without arguments, inferences, ironical expressions, or defamatory statements, and must not refer to any individual except in his official capacity.—"Executive and Legislative Councils," *Parliamentary Papers*, East India, Vol. X (1909), No. 24, p. 7.

[2] *Parliamentary Debates*, 4th. Ser., Vol. CXCVIII (Dec. 7–21, 1908), col. 1985.

[3] The composition of the different councils under the regulations of 1909 were as follows. The figures in the parentheses are those prescribed in 1912.

Bengal
A. 22 (20) nominated members, not more than 17 of whom were to be officials selected by the lieutenant governor
1 non-official chosen by the Indian commercial community
1 non-official chosen by the planting community
B. 2 experts nominated in case of need for specific measures

(Footnote continued on page 210)

on the part of the provincial bodies, the lieutenant governor of the province and the governor-general were both equipped with a veto and in case of need the latter had the official majority which was retained

(Footnote continued from page 209)

C. 26 elected members:
- 1 by the Corporation of Calcutta
- 1 by the University of Calcutta
- 6 (5) by the municipal commissioners
- 6 (5) by the district and local boards
- 5 (4) by the landholders
- 4 (5) by the Mohammedan community
- 2 by the Bengal Chamber of Commerce
- 1 by the Calcutta Trades Association
- 1 (0) by the municipal commissioners of Chittagong
- 1 (0) by the Chittagong port commissioners
- 1 (0) by the tea planting community

Bombay

A. 21 nominated by the governor of whom not more than 14 were to be officials

B. 2 experts nominated in case of need for specific measures

C. 21 elected as follows:
- 1 by the Corporation of Bombay
- 1 by the University of Bombay
- 1 by the sardars of the Deccan
- 1 by the sardars of Gujaret
- 1 by the Jagidars and zamindars of Sind
- 4 by the municipalities
- 4 by the district and local boards
- 4 by the Mohammedan community
- 1 by the Indian commercial community
- 1 by the Bombay Chamber of Commerce
- 1 by the Karachi Chamber of Commerce
- 1 by the Millowners Association of Bombay

Bombay and Ahmedabad, alternately—

Burma

A. 14 members nominated by the governor, not more than 6 of whom were to be officials
- 4 from the Burmese population
- 1 from the Indian population
- 1 from the Chinese population

B. 2 experts nominated in case of need for specific measures

C. 1 member elected by the Burma Chamber of Commerce

Eastern Bengal and Assam (Assam)

A. 22 (13) members nominated by the lieutenant governor (chief commissioner) not more than 17 (9) of whom were to be officials, 1 non-official from the Indian commercial community

B. 2 experts to be nominated in case of need for specific measures

C. 18 (11 Assam) to be elected:
- 1 (0) by the commissioners of the port of Chittagong
- 3 (2) by the municipal commissioners
- 5 (2) by the district and local boards
- 2 (0) by the landholders
- 4 (2) by the Mohammedan community
- 2 (3) by the tea interests
- 1 (0) by the jute interests

Madras

A. 25 nominated by the governor, of whom not more than 16 were to be officials, 1 was to be a non-official from the Indian community

B. 2 experts to be nominated in case of need for specific measures

(Footnote continued on page 211)

in the paramount Imperial Legislative Council to carry any necessary measure over the heads of a recalcitrant provincial body.[1]

The concession of the non-official majority, even in the provincial legislative councils, was a reversal of the proposals of the government of India contained in its reform circular of August 24, 1907, which said:

The principle of a standing majority is accepted by the government as an entirely legitimate and necessary consequence of the nature of the paramount power in India, and so far as they know it has never been disputed by any section of Indian opinion that does not dispute the legitimacy of the paramount power itself. That is not an open question, and if two men are not able to wield a scepter it is idle to dissemble that fact in constructing political machinery.[2]

(Footnote continued from page 210)

C. 19 elected as follows:
- 1 by the Corporation of Madras
- 1 by the University of Madras
- 8 (9) by the municipal councils, district and taluk boards
- 2 by the zamindars
- 2 (3) by the landholders and other than zamindars
- 2 by the Mohammedan community
- 1 by the Madras Chamber of Commerce
- 1 by the Madras Trades Association
- 1 by the planting community

Punjab

A. 19 nominated by the lieutenant governor, of whom not more than 10 were to be officials
B. 2 experts nominated in case of need for specific measures
C. 5 (8) elected as follows:
- 1 by the University of the Punjab
- 3 by the Municipal and Cantonment Committees
- 1 by the Punjab Chamber of Commerce
- (3) by the district boards

Agra and Oudha

A. 26 nominated by the lieutenant governor, of whom not more than 20 were to be officials
B. 2 experts to be nominated in case of need for specific measures
C. 20 elected as follows:
- 1 by the University of Allahabad
- 4 by the municipal boards
- 8 (9) by the district boards
- 2 by the landholders
- 4 by the Mohammedan community
- 1 by the Upper India Chamber of Commerce

Bihar and Orissa

A. 19 nominated by the lieutenant governor, of whom not more than 15 were to be officials
B. 1 expert to be nominated in case of need for a specific measure
C. 21 elected as follows:
- 5 by the municipal commissioners
- 5 by the district boards
- 5 by the landholders
- 4 by the Mohammedans
- 1 by the mining community
- 1 by the planting community

[1] *Parliamentary Debates, Commons*, Vol. III (1909), col. 557.

[2] P. Mukherji, *op. cit.*, p. 219.

An official majority in the provincial councils to be created by appointment in case of need was also contemplated by the government of India dispatch of October 1, 1908. In reference to this proposal Viscount Morley in his reply said:

I see formidable drawbacks that have certainly not escaped Your Excellency to the expedient which you propose, and I cannot regard with favor the power of calling into play an official majority while seeming to dispense with it. I am unable to persuade myself that to import a number of gentlemen to vote down something upon which they may or may not have heard the arguments will prove satisfactory. To secure the required relations I am convinced that a permanent official majority in the Imperial Legislative Council is absolutely necessary, and this must outweigh the grave disadvantages that induce us to dispense with it in the provincial legislatures. It need not be in any sense an overwhelming majority and this Your Excellency does not seek; but it must be substantial, as it is certainly desirable that the governor-general should be removed from the conflict of the division test, and that the fate of any measure or resolution should not rest on his vote alone.[1]

Viscount Morley thus expressed his reasons for conceding the non-official majority in the provincial councils.

The first question therefore is the necessity of maintaining in these councils the majority of officials. . . . . We have before us, to begin, the leading fact that in the important province of Bombay there is in the Council as at present composed no official majority, and that the Bombay government even in the smaller of its alternative schemes presented to Your Excellency in Council is willing to dispense with such a majority. Considering the character of the legislation ordinarily coming before a provincial council, is it not possible with due representation given to the various classes and interests in the community to do without a majority of officials? After careful consideration I have come to the conclusion that in provincial councils such a majority may be dispensed with provided that a substantial official majority is permanently maintained in the Imperial Legislative Council.

I do not conceal from myself the risks in such an arrangement. The non-official majority may press legislation of a character disapproved by the executive governments. This should be met by the exercise of the power to withhold assent possessed by the head of the government. Then although the local legislature is vested with power to make laws for the peace and good government of the territories constituting the provinces, still the range of subjects is considerably narrowed by the statutory exclusions now in force. Thus, for example, the local legislature may not without the previous sanction of the governor-general make or take into consideration any law affecting the public debt of India, or the customs duties or any other tax or duty for the

[1] P. Mukherji, *op. cit.*, p. 277.

time being in force and imposed by the authority of the governor-general in council for the general purposes of the government of India; or regulating currency or postal or telegraph business; or altering in any way the Indian penal code; or affecting religion or religious rites or usages; or affecting the discipline or maintenance of naval or military forces; or dealing with patents, copyrights, or the relations of the government with foreign princes or states.

It is difficult to see how any measure of such urgency that delay might work serious mischief can come before a provincial council; for mere opposition to a useful and beneficial project would not come within this description. On the other hand and perhaps more often, there may be opposition on the part of non-official members to legislation that the government desires. With a counsel, however, representing divergent interests and realizing together with its increased powers, its greater responsibility, a combination of all the non-official members to resist a measure proposed by the government would be unlikely and some non-officials at least would probably cast their votes on the side of the government. If, however, a combination of all the non-official members against the government were to occur, that might be a very good reason for thinking that the proposed measure was really open to objection and should not be proceeded with. . . . . If in spite of such hostile vote the comparatively rare case should arise, where immediate legislation were still thought absolutely necessary, then the constitution as it at present stands, provides an adequate remedy. The governor-general today exercises a concurrent power to legislate for any provinces, and though I strongly favor a policy that would leave to each local legislature the duty of providing for its own requirements, still I recognize in this power an ample safeguard, should under exceptional circumstances a real demand for its exercise arise. This decision will make it necessary to modify to some extent the constitution of the several provincial councils proposed by you and will enable you to secure a wider representation.[1]

The working of these provisions for the legislative councils was thus officially described in the report of the Parliamentary Committee of 1918:

It has been the exception and not the rule for government to leave its official members to speak and vote as they chose even on private members' business. On government business their mandate has been stricter. The proceedings in council have been controlled by government; generally speaking government officials are not expected to ask questions or move resolutions, or in some councils to intervene in debate or even to rise to points of order without government's approval, and though there is of late a tendency to treat more matters as open questions, when a division is taken the official members nearly always vote by order in support of government. . . . .

[1] *Ibid.*, pp. 275–76.

Upon the Indian members of the legislative councils the effect is frankly irritating. It prejudices in their view the position of the official members who form the *bloc*. Indian members may share in a debate in which the majority of speakers and in their eyes the weight of the argument are arrayed against the government. The government, having only one view to present, often contents itself with doing so through a single mouthpiece. But when a decision is taken the silent official phalanx effectively carries the government measure or votes down the private members' resolution. The Indian members' views are therefore rarely placed on record as the opinion of the Council because the Council's decision is in the majority of cases the decision of the government. We may add that most governments dislike the use of the official *bloc*, and that most of the men who compose it dislike the position in which they find themselves. The fact that Indian officials in the councils are rare and that the few English non-official members as a rule vote with the government helps, not merely to exacerbate the cleavage but to give it an unamiable character. It tends to stimulate the discussion of racial questions, and to give an edge to the debate. But above all, the official solidarity naturally stifles any differences that exist between Indian elected members and drives them to a league against government into which the nominated Indian members also tend to enter.

88. These factors contribute to the unreality of the proceedings. Because the number of elected members is small and the issue is often known beforehand, the debates lack life unless feelings are aroused or interests are directly affected; and because the government has to a great extent controlled the proceedings, the councils have not felt the need of developing any corporate opinions which would have the effect of raising the standard of individual performance. Nevertheless the quality of the speeches on both sides is improving; and there is less reading than formerly of manuscripts prepared without reference to the debate; less repetition of points already dealt with and disposed of. Experience of the occasions when government has withdrawn from the discussion and left natural cleavages of opinion to declare themselves, shows how much greater vitality may be infused into the council work in the future, if the official *bloc* be withdrawn.[1]

Comparing the provincial and the imperial councils it went on to say:

Certain differences between the Indian and the provincial councils are already apparent. Both the elected and official members in the provincial councils are in closer touch with the subject-matter of discussion; many of the elected members have activities which bring them in contact with the official members outside of the Council, and thereby closer relations are established; and because distances are smaller the meetings of the councils are more evenly distributed throughout the year, and of shorter duration

[1] "Constitutional Reforms," *Parliamentary Papers*, East India, 1918, pp. 73–74.

than in the Indian Legislative Council, with the result that the pressure upon the few official members on whom the chief business falls is probably felt less heavily than in the government of India.

The main point of difference, however, is of course the fact that in all the provincial councils there is a non-official majority and in Bengal a small elected majority. But the fact that the absentees are more numerous among the non-official than among the official members tends to impair the effectiveness of the non-official majority. It cannot be said, however, that the introduction of government bills has been generally hindered by the prospect of opposition, although there have, we understand, been occasions when a local government has been deterred from attempting legislation which it desired. As in the government of India the policy has generally been to anticipate opposition to particular provisions by modifying a draft bill in the light of objections raised in the opinions received. . . . .[1]

Nowhere has there been much private members legislation. In the Bombay Council only one bill out of six has passed, but we understand that most of the others were reasonable attempts to deal with important problems. In the United Provinces non-official members carried bills against adulteration and opium gambling. A private bill to stop juvenile smoking is before a select committee in the Punjab and a private bill dealing with compulsory education in Bihar and Orissa. These same two topics are at present the subject of two private bills in Bengal. . . . .[2] Only five private bills have been passed by the Imperial Legislative Council since 1910.

Viewed as representative bodies, the reconstituted legislative councils proved far from satisfactory. The parliamentary report says of this aspect:

83. No one can deny that as an embodiment of the representative principle the present electoral system has great defects. The chief of these are the very restricted nature of the present franchise, and, except in the constituencies composed of the members of some special class or community, the lack of any real connection between the primary voter and the member who sits in the councils. In the Indian Legislative Council there are eighteen members who are elected to speak for sectional interests, and nine who may be said to represent, however remotely, the views of the people as a whole. So far as can be stated the largest constituency which returns a member directly to the Indian Legislative Council does not exceed 650 persons; and most of the constituencies are decidedly smaller.

The constituencies which return the nine representatives of the people at large are composed of the non-official members of the various provincial legislative councils, and the average number of voters in these electoral bodies is only twenty-two, while in one case the actual number is nine. In the case

[1] *Ibid.*, pp. 81–82. [2] *Ibid.*, p. 79.

of the provincial councils themselves, there is the same division of members between those who are directly elected to represent special interests and those who are elected indirectly as the representatives of the general population. For the latter the members of municipal and local boards either act as electors or else choose electoral delegates to make the election; but in neither case do the constituencies exceed a few hundred persons. If we ignore the small class constituencies, then, local bodies which in a limited sense may be taken as standing for the people at large, enjoy the best representation and return 7.4 members for every 1,000 electors. Then come the landholders with 3.6 representatives for every 1,000 electors, and then the Mohammedans with 1.3 members per 1,000 electors.

A minor but still noteworthy result of the present electoral system is the large percentage of members of the legal profession who succeed at elections. If we look at the constitution of the Indian Legislative Council after the elections of 1909, 1912, and 1916, we see that the percentage of lawyers among the non-official elected members was 37, 26, and 33 respectively.[1]

The concession of special electorates to the Mohammedans may be said to have assumed its first tangible proportions in October, 1906, when a delegation of Mohammedans from the newly organized All-India Moslem League waited upon Lord Minto at Simla, and presented to him an address which is probably the best single statement made of the Mohammedan case.

It began by reciting that it was presented by nobles, jaghirdars, Taluqdars, lawyers, zamindars, merchants, and others who represented a large body of the Mohammedan subjects of His Majesty, the King Emperor. It continued:

> We fully realize and appreciate the benefits conferred by British rule on the teeming millions belonging to the divers races, and professing divers religions, who form the population of the vast continent of India, and have every reason to be grateful for the peace, security, personal freedom, and liberty of worship that we now enjoy.
>
> Further, from the wise and enlightened character of the government we have every reasonable ground for anticipating that these benefits will be progressive and that India will in the future occupy an increasingly important position in the community of nations.[2]

They then pointed out that the Mohammedans numbered sixty-two millions or between one-fifth and one-fourth of the population of British

[1] "Constitutional Reforms," *Parliamentary Papers*, East India, 1918, pp. 70–71, secs. 83–84.

[2] Edward E. Lang, *op. cit.*, p. 349; also *Bombay Gazette*, October 6, 1906, p. 15.

India, and were more numerous than any European power except Russia.[1] They said:

The position accorded to the Mohammedan community in any kind of representation direct or indirect, and in all other ways affecting their status and influence should be commensurate not merely with their political strength but also with their political importance and the value of the contributions which they make to the defence of the empire. The Mohammedans of India have always placed implicit reliance on the sense of justice and love of fair dealing that have characterized their rulers, and have in consequence abstained from pressing their claims by methods that prove at all embarrassing, but earnestly as we desire that the Mohammedans of India should not in the future depart from the excellent and time honored tradition, recent events have stirred up feelings, especially among the younger generation of Mohammedans, which might in certain circumstances and under certain contingencies easily pass beyond the control of temperate counsel and sober guidance.

While we are bound to acknowledge that such representation as the Mohammedans of India have hitherto enjoyed has been due to a sense of justice and fairness on the part of Your Excellency and your illustrious predecessors in office and the heads of local governments, by whom the Mohammedan members of the legislative chambers have almost without exception been nominated, we cannot help observing that the representation has necessarily been inadequate to our requirements, and has not always been carried with approval of those whom the nominees were selected to represent. This state of things was probably under the existing circumstances unavoidable, for, while on one hand the number of nominations reserved to the viceroy and local governments has necessarily been strictly limited, the selection on the

[1] This statement was not quite accurate. The relative proportion, not only of the Mohammedans, but the other religions, is shown by the following table, which also indicates the industrial, commercial, and educational situation in British India, not including the native states.—"Advisory and Legislative Councils," *Parliamentary Papers*, East India, I (1908), 9.

Communities	Number of	Percentage of Total
Hindus	158,601,000	68.00
Mohammedans	53,804,000	23.00
Buddhists	9,411,000	4.00
Christians	1,904,000	0.81
Sikhs	1,574,000	0.67
Jains	479,000	0.20
Interests		
Agriculture	155,678,000	67.1
Commerce and industry	38,302,000	16.5
Professions	3,871,000	1.6
Literacy of Adult Males		
Literate in English	625,000	1.0
Literate in a vernacular	8,616,000	14.0

other hand of representative men has, in the absence of any reliable method of ascertaining the direction of popular choice, been far from easy.[1]

They expressed themselves aggrieved that Mohammedan judges had not been more frequently appointed to the high courts, and the Chief Court of Judicature. They pointed out that only three Mohammedans had been raised to these offices since the creation of the courts, and that at that time there were none. Moreover, the same discrimination had existed in the case of the senates and the syndicates of the Indian universities.

In regard to Mohammedan representation in the legislative chambers they suggested that in the provincial councils

as in the case of municipalities and district boards the proportion of Mohammedan representatives entitled to a seat should be determined and declared with due regard to the important consideration which we have ventured to point out in paragraph 5 of this address and that important landowners, lawyers, merchants and representatives of other important interests, the Mohammedan members of district boards and municipalities, the Mohammedan graduates of universities of a certain standing, say five years, should be formed into electoral colleges and be authorized in accordance with such rules as Your Excellency's government may be pleased to prescribe in that behalf, to return the number of members that may be declared to be eligible.

With regard to the Imperial Legislative Council whereon the representation of Mohammedan interests is a matter of vital importance, we crave leave to suggest (1) that in the *cadre* of the Council the proportion of Mohammedan representatives should be determined on the basis of the numerical strength of the community, and that in any case the Mohammedan representatives should never be an ineffectual minority; (2) that as far as possible the appointment by election should be given preference over nomination, that for the purpose of choosing Mohammedan members, Mohammedan landowners, lawyers, merchants, and representatives of other important interests of a status to be subsequently determined by Your Excellency's government, Mohammedan members of the provincial councils, and Mohammedan Fellows of universities should be invested with such procedure as may be prescribed by Your Excellency's government in that behalf.

In the course of his reply to the deputation, after assuring them that the points they had raised were before the committee appointed to consider the question of representation, Lord Minto said:

In respect to the political importance of your community and the service it has rendered the empire, I am entirely in accord with you. . . . . I make no attempt to indicate by what means the representation of communities can be

[1] *Bombay Gazette*, October 6, 1906, p. 15, cols. 1–3.

obtained, but I am firmly convinced as I believe you to be, that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the populations of the continent. The great mass of the people of India have no knowledge of representative institutions.[1]

He concluded by promising that the rights of the Mohammedans would be respected.

After the Indian Councils Act of 1909 was well under way, another deputation of Mohammedans waited upon Lord Morley in London, on January 27, 1909.[2] They presented their case to him. Viscount Morley's reply was similar in tone to that of Lord Minto's, three years before.

Speaking in Parliament regarding this deputation he said:

The Mohammedans demand three things. I had the pleasure of receiving a deputation from them and I know very well what is in their minds. They demand the election of their own representatives to these councils in all the stages, just as in Cyprus, where I think the Mohammedans vote by themselves. They have nine votes and the non-Mohammedans have three or the other way around. So in Bohemia where the Germans vote alone, and have their own register. Therefore we are not without a precedent and a parallel for the idea of a separate register.

Secondly, they want a number of seats in excess of their numerical strength. Those two demands we are quite ready and intend to meet in full. There is a third demand, that, if there is a Hindu on the viceroy's Executive Council, ... there should be two Indian members on the viceroy's Council and that one should be a Mohammedan. Well, as I told them and as I tell Your Lordships, I see no chance whatever of meeting their views in that way to any extent at all.[3]

In addition to the arguments advanced by the Mohammedans, there may have been another motive which influenced the British government to grant the Mohammedans special representation. The Moslem community had for over a generation refrained as a body from political activity of any sort and now that the All-India Moslem League had finally been formed, the contrast in the tone assumed by its leaders and their expression of loyalty to the English government, as compared with the attitude of the Hindus, was remarkable.

It may well be that there was some feeling of gratitude and appreciation of their support in the readiness with which the special representation

[1] *Bombay Gazette*, October 6, 1906, p. 16, col. 1.

[2] *Bengalee*, February 18, 1909, p. 7, col. 3.

[3] *Parliamentary Debates, Lords*, Vol. I (Feb. 26, 1909), cols. 121–22.

was conceded. Perhaps too it was to encourage them in their loyalty, and keep them from making common cause with the Hindus by casting a bone of contention between them, thus bringing them closer to the British raj.

This, however, is surmise. It was, nevertheless, suspected by the Hindus and doubtless was what the editor of the *Bengalee* had in mind when he wrote to the effect that "the government have been not altogether disinclined to favour the Mohammedan cause either for political reasons, or from ignorance of the futility of the arguments urged by the Mohammedans for special favours."[1]

In opposition to the concession, the chief arguments were that if the Mohammedans were given special representation, fairness would require that other minorities like the native Christians and Sikhs be given special representation likewise, and that religion was not a sound basis for a government which professed religious neutrality to base an electorate on.[2]

The case was thus summarized by the government of India in its dispatch of October 1, 1908.

All local governments approve of the proposals for the special representation of Mohammedans which were made in our letter of August 24, 1907. These proposals are, as a rule, adversely criticised by the Hindus, who regard them as an attempt to set one religion against the other, and thus to create a counterpoise to the influence of the educated middle class. Some Hindus, however, recognize the expediency of giving special representation to the Mohammedan community, and the Bombay Presidency Association, while they object strongly to the creation of a special Mohammedan electorate, make provision in their scheme of a council for the election of two members by the Mohammedan community. Notwithstanding their formal protest against the principle of religious representation the Association doubtless realizes that the Indian Mohammedans are much more than a religious body. They form in fact an absolutely separate community, distinct by marriage, food, custom, and claiming in many cases to belong to a different race from the Hindus.[3]

It then went on to give the following explanation for the allotment of seats as finally made:

The first question is how many seats should be allotted to the Mohammedan community. After carefully considering the demands of the Mohammedans themselves and views expressed by the Hindus we think that the claims of the

[1] *Hindu*, July 8, 1909, p. 19, col. 1.

[2] *Bombay Gazette*, September 26, 1908, p. 23, col. 1.

[3] P. Mukherji, *op. cit.*, "Reform Dispatch," 1908, pp. 250 *et seq.*; also "Advisory and Legislative Councils," *Parliamentary Papers*, East India, 1908.

former will be adequately met if four elective seats are assigned to them, and provision is made for a fifth seat being filled by nomination until suitable machinery for election can be devised. The four elective seats shall be permanently assigned to the four provinces which have the largest Mohammedan population, namely, Bengal, Eastern Bengal and Assam, the Punjab, and the United Provinces. The fifth seat should be given alternately to Bombay and Madras, where the Mohammedan population is smaller, and for this it will be necessary to have recourse to nomination until satisfactory electorates can be formed. The question of a Mohammedan electorate presents much the same difficulties as the formation of a landholding electorate. In most provinces the Mohammedans are in favor of election and regard nomination as an inferior method of obtaining admission to the Legislative Council. The governments of Madras and the United Provinces propose electorates based partly upon property and partly upon literary qualifications, which appear to us to be well devised, but the former government has since expressed a preference for nomination. The Mohammedans of Bombay are said to be widely scattered over the presidency, and at present unorganized for common purposes, so that a special electorate cannot be created. In course of time it may be possible to arrange for election by a central association but for the present their proportionate representation can be secured only by careful nomination. The government of Bengal proposes a scheme of a similar character which includes graduates of five years' standing and holders of recognized titles. Both of these are doubtful features. The government of Eastern Bengal and Assam suggests that the Mohammedan representation should be elected by the Provincial Mohammedan Association. The lieutenant governor of the Punjab considers it impossible to form a Mohammedan electorate,[1] and proposes that the Mohammedan representative should be nominated by the lieutenant governor. We would deal with the question in the same way as we have proposed to deal with the representation of landholders. Our view is that in provinces where election by a regular Mohammedan electorate is feasible that method should be adopted; that Mohammedan associations should be

[1] The following are, in summary form, the regulations relating to the composition of the Mohammedan electorate:

Madras.—The Mohammedan electorate was to consist of all resident Mohammedans who were landholders with incomes therefrom of 3,000 rupees, who had incomes of 6,000 rupees, who were members of the Legislative Council, who were Fellows of the university, titleholders or pensioners of the government.

Bombay.—The Mohammedan electorate consisted of the Mohammedan non-official additional members of the Legislative Council.

Bengal.—The Mohammedan electorate consisted of the Mohammedan members of the Legislative Council, title-holders, Fellows of the university, pensioners of the government, holders of land taxed for 750 rupees, or paying 187 rupees, 8 annas road tax, or persons paying an income tax on 6,000 rupees.

United Provinces.—The Mohammedan electorate consisted of owners of land paying 10,000 rupees in taxes, persons paying an income tax on 10,000 rupees, members

made use of where electorates cannot be formed; that nomination by government should be resorted to where neither of the first two methods is practicable. It will be for the local government to determine in consultation with the leaders of the Mohammedan community which plan should be adopted.

The scheme of an advisory council was contained in Lord Minto's original minute, and persisted in by the government of India until, at the instance of Viscount Morley, it was dropped. His reasons cover the situation. He wrote:

The original proposal of an Imperial Advisory Council was based on the interesting and attractive idea of associating ruling chiefs and territorial magnates of British India in guardianship of common and imperial interests, and as a means of promoting more intimate relations among component parts of the Indian Empire. The general opinion of those whose assent and co-operation would be indispensable had proved adverse, and Your Excellency in Council now considers that the project should for the present not be proceeded with. You still favor an Imperial Council composed only of ruling chiefs. Lord Lytton made an experiment in this direction but it remained without successful result. Lord Curzon afterwards proposed to create a council composed of princes contributing Imperial Service Troops, and deliberating on that subject exclusively. Opinion pronounced this also to be unfruitful and ineffectual in practice. Your Excellency's project is narrower than the first of these two expedients, and wider than the second. I confess that, while entirely appreciating and sympathizing with your object, I judge the practical difficulties in the way of such a council assembling under satisfactory conditions to be considerable—expense precedence, housing, for instance, even if there be no others. Yet if not definitely constituted with a view to assembly, it could possess little or no reality. It would obviously be a mistake to push the project, unless it commands the clear assent and approval of those whose presence in the council would be essential to its success, and the opinions expressed in the replies with which you have furnished me lead me to doubt whether that condition can be secured. But in case Your Excellency still

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of the Legislative Council, Fellows of the university, trustees of the Anglo-Oriental College, title-holders, pensioners.

Eastern Bengal and Assam.—The Mohammedan electorate was composed of title-holders, proprietors of lands paying 750 rupees in revenue or 180 rupees in land cess, payers of income taxes on 6,000 rupees, and pensioners.

Punjab.—There were no provisions for special electorates for Mohammedans in the Punjab, for the Provincial Legislative Council. The Mohammedans were not sufficiently organized to furnish a basis for an electorate and were sufficiently numerous there to better look out for themselves. On the Imperial Legislative Council their interests were sure of representation by the reservation for them of one of the appointed. "Executive and Legislative Councils Regulations," *Parliamentary Papers*, East India, 1909, p. 75.

favors this proposal, which is in itself attractive, I do not wish to express dissent at this stage, and if after consultation with the leading chiefs, you are able to devise a scheme that is at once acceptable to them and workable in practice, I am not inclined to place any obstacle in the way of a full and fair trial. And in any event the doubt I have expressed must not be taken as discouraging consultation with individual chiefs, according to existing practice, for nobody with any part to play in Indian government can doubt the manifold advantages of still further developing not only amicable but confidential relations of this kind with the loyal rulers in Indian states, possessed as they are of such peculiar authority and experience.[1]

The provision authorizing the establishment of executive councils in the provinces was an addenda of Viscount Morley. He wrote concerning it:

39. The suggestion for the establishment of executive councils for lieutenant governors, as Your Excellency is aware, is not new. . . . . [It] was much discussed in obedience to the orders of the secretary of state in 1868, by men of the highest authority on Indian questions, and I do not conceive that after all the consideration given to the subjects then and since, further consultations could be expected to bring any new argument of weight and substance into view.

40. It has sometimes been argued that the creation of executive councils in the major provinces would necessarily carry with it, as in Bombay and Madras, the appointment in each case of a governor from home. This would indeed be a large departure from the present system of administration, almost amounting to the confusion and overthrow of that system, reposing as it does upon the presence, at the head of the highest administrative posts, of officers trained and experienced in the complex requirements and diversified duties of the Indian government. I take for granted, therefore, that the head of the province will be, as now, a member of the Indian Civil Service appointed in such mode as the law prescribes.

I propose, therefore, to ask for power to create executive councils from time to time as may be found expedient. In this connection we cannot ignore the necessity of securing that a constitutional change, designed both to strengthen the authority and to lighten the labors of the head of the province, shall not impair the prompt exercise of executive power. It will, therefore, be necessary to consider most carefully what degree of authority over the members of his council in case of dissent should be vested in the head of a province in which an executive council may be called into being.

It was recognized by Parliament more than a century ago that the governors of Madras and Bombay should be vested with a discretionary power of overruling these councils "in cases of high importance and essentially affect-

[1] P. Mukherji, *Indian Constitutional Documents, 1773–1915*, p. 268.

ing the public interest and welfare." A power no less than this will obviously be required in the provinces in which a council may come to be associated with the head of the executive, and I shall be glad if you will favor me with your views upon its definition. Your Excellency will readily understand that the use of such a power, while not to be evaded in the special cases for which it is designed, is not intended for part of the ordinary mechanism of government. Rather, in the language of the historical dispatch of 1834, it is my belief that in a punctual, constant, and even fastidious adherence to your ordinary rules of practice, you will find the best security, not only for the efficiency, and also for the dispatch of your legislative proceedings.[1]

In India among the educated classes if the Morley-Minto reforms were not received with wild enthusiasm, they were certainly on the whole accepted as being all that could be expected at the time. A deputation waited upon Lord Minto,[2] a few days after the arrival of Viscount Morley's dispatch of November 27, 1908. It was composed of both Hindus and the Mohammedans, and came to express their gratitude for the reforms.

A few days later the Congress in session at Madras also expressed through its president, Mr. Gokhale, their thanks to the home government and the government of India. Almost at the same time the Moslem League met at Amritsar, and were warm in their approval of the new measures, though they found fault with the amount of representation conceded and other items. By no means all, even of the so-called moderates, were of such a mind, but most seem to have felt much the way the editor of the *Bengalee* did, when he wrote:

> We have come to the deliberate conclusion which we invite our countrymen to accept, that it [the reforms] represents an honest effort to introduce the beginnings of parliamentary procedure in matters of local administration. We have not indeed got all we wanted. We asked for more and we shall continue to press for more. But we are thankful for what we have got and we are strengthened in the hope that we shall get more if we follow persistently and without flinching those constitutional methods in which we have explicit confidence.[3]

English opinion was on the whole also dubious. Sir B. Fuller wrote in 1910:

> As regards the recent Indian Council reforms, there is no friend of India but sympathizes with endeavors to educate the people in the art of government

[1] *Bengalee*, December 18, 1908, p. 8, col. 1; also P. Mukherji, *op. cit.*, pp. 283 *et seq.*

[2] *Parliamentary Debates, Lords*, Vol. I (1909), cols. 12–14.

[3] *Bengalee*, December 19, 1908, p. 5, col. 1.

and to utilize to the full such faculties for governing as they possess. . . . . The Liberal party would indeed have been false to its traditions had it not taken advantage of the opportunities for relaxing the tension of India's leading strings. The reforms may have been carried too far, and it may be found that they excite rather than allay feelings of hostility toward us. But they represent an honest and courageous attempt to raise the status and increase the influence and self-respect of the Indian educated classes.[1]

The Morley-Minto reforms were the last measures of importance affecting self-government in India before the outbreak of the war in 1914. The best estimate of their effectiveness is contained in the report of the Parliamentary Committee of 1918. It says:

The new institutions began with good auspices, and on both sides there was a desire to work them in a conciliatory fashion. But some of the antecedent conditions of success were lacking. There was no general advance in local bodies; no real setting free of provincial finance; and in spite of some progress no widespread admissions of Indians in greater numbers into the public service. Because the relaxation of parliamentary control had not been contemplated, the government of India could not relax its control over local governments. The sphere in which the councils could affect the government's action, both in respect of finance and administration, was therefore closely circumscribed. Again and again a local government could only meet a resolution by saying that the matter was really out of its hands. It could not find the money because of the provincial settlements; it was not administratively free to act because the government of India was seized of the matter; it could therefore only lay the views of the Council before the government of India. As regards legislation also the continuance of the idea of official subordination led to much of the real work being done behind the scenes. The councils were really more effective than they knew, but their triumphs were not won in broad daylight in the dramatic manner which political ardor desired. This was one reason why more interest was often shown in resolutions than in legislation. The carrying of a resolution against the government, apart from the opportunity of recording an opinion which might some day bear fruit, came to be regarded as a great moral victory, and it is evident that topics that were likely to combine all the Indian elements in the Council offered the best opportunity. Because the centralization of control limited the effectiveness of the councils the non-official members were driven to think more of display than they might otherwise have done; and the sense of unreality on both sides deepened. All this time the national consciousness and the desire for political power were growing rapidly in the minds of educated Indians; and the councils with their limited opportunities proved to be an

[1] Sir B. Fuller, "Indian Responsibilities of Liberal Politicians," *Nineteenth Century Review*, LXVII (1910), 7.

insufficient safety-valve. While, therefore, inside the councils there are signs of hardening opposition and the weariness which comes of sterile efforts, outside the councils the tide of feeling was rising more quickly. For a short time after their inception the Morley-Minto reforms threatened to diminish the importance of the Indian National Congress and the Moslem League. It seemed as if the councils where elected members took a share in the business of government must be a more effective instrument for political purposes than mere self-constituted gatherings. But with the disillusionment about the reformed councils, the popular conventions, where speakers were free to attack the government and give vent to their own aspirations untrammelled by rules of business or the prospect of a reply, naturally regained their ascendancy, and the line taken by prominent speakers in them has been to belittle the utility of the councils, if not to denounce them as a cynical and calculated sham.[1]

[1] "Constitutional Reforms," *Parliamentary Papers*, East India, 1918, pp. 85–86.

CHAPTER XII

THE FUTURE

- The events 1909–14
  - The extent of the seditious movement
  - The durbar of 1911 and its boons
    - The repeal of the partition of Bengal
  - Minor events
    - The abortive Council of India Act
    - The concession of the Legislative Council in the Central Provinces
    - The Indian Councils Act of 1915
    - The Public Service Commission
- The Morley-Minto reforms, the last real concessions prior to the war
- The degree of success achieved in developing self-government in India slight
  - Reasons for the lack of success
    - Aims of the concessions
      - The reduction of the burden of administration, not the training of natives to govern themselves
      - The securing of the native point of view
      - The quieting of the unrest
    - Lukewarmness of the officials toward the development of self-government
      - Immersion in business
      - Reluctance to promote a policy possibly leading to the expulsion of England from India
      - Distrust of ability of natives
    - The immensity of the task
- The alterations actually effected since 1861
  - In England
    - The admission of two natives to the Council of India
  - In India
    - The admission of one native to the Executive Council of the viceroy
    - The creation of local and municipal boards
    - The creation and enlargement of legislative councils
- Probability of further concessions to the extent of Canada, Australia, or South Africa
- Permanency of English rule in India
  - Impossibility of solving the racial difficulty
  - Impossibility of keeping India under subjection by force

The reforms of 1909 were not solely relied on to quiet the situation. A new, more elaborate, and far more stringent press law[1] was passed through the Imperial Legislative Council on February 9, 1910. Nor did the reforms of 1909 effect any material diminution of the campaign of violence. Gang and individual murders continued, and there was evidence of a general conspiracy.

A letter of March 14, 1910, from Sir H. Stuart, of Bengal, secretary to the government of India Home Department, to the chief secretary to the government of Bengal, gives an official estimate of the seditious movement of which the following are taken as expressing the general attitude of the government:

> The chief of the causes of sedition is the extent of disaffection toward the British government which now undoubtedly exists in many parts of India. Nowhere is any considerable portion of the population imbued with that spirit. It is confined with a few negligible exceptions to the literate middle classes. It is not the expression of revolt against excessive taxation or oppressive laws. It may have some slight economic basis but in the main it is an intellectual sentiment and not founded on any material grievances though those engaged in sedulously propagating the nationalist views are quick to seize on any ephemeral circumstances of that character to advance their cause.
>
> We have then a party, small in numbers, but of considerable influence and inspired by convictions strongly and even fanatically held who are opposed to the continuance of British rule. This party may be broadly divided into two classes though the line of division is not a sharp one nor of a permanent character.
>
> The first class consists of those who desire autonomy but seek to obtain it by such methods as passive resistance and the continual sapping of the foundations of loyalty by means of attacks in the press, on the platform and on more private occasions. The members of this branch of the party of disaffection are not ordinarily prepared to advocate a resort to violence though many of them secretly sympathize with outrage and assassination and all alike are unwilling to assist in the suppression of political crime.
>
> The second class comprises those who advocate and practice the methods of terrorism, directed not only against public servants, European and Indian, but also against all persons who come forward and assist the cause of justice with information or evidence. This class consists for the most part of youths who are still at school or college and of young men who have not long passed that period of their lives. These active revolutionaries are most prominent in Bengal, East Bengal, and Bombay. Their movement has spread to the Central Provinces and Berar and to the Punjab and is found even in some of

[1] *Collection of the Acts Passed by the Governor-General of India in Council*, 1910, Act I.

the native states. It has made but little headway in the United Provinces and Madras, but there are danger spots in both of these provinces which require very careful watching. The government of India has received no information of its existence in Burma or on the northwestern frontier. These youthful terrorists are banded together in societies, but how far the associations are under any central control it is not yet possible to say. There are indications of such a control, but these do not at present amount to much more than surmise. In any case it seems probable that if any central authority exists, it does not exercise a very close direction over local activities.

The distribution of the less violent form of sedition is, as might be expected, very much the same as that of the terrorist movement and there is, no doubt, a close connection between the two for the persistent preaching of sedition has a marked effect upon the youth of the country and thus creates a favorable recruiting ground for the party of revolutionary violence while there are some reasons for suspecting that the real leaders of the party of violence conceal themselves under the cloak of more moderate opinions.[1]

The foregoing was probably a fairly true summary of the conditions in 1910 and, with the insertion of a modifying statement to the effect that the seditious movement is apparently somewhat more widespread than at that time, would still hold. The efforts at conciliation by enjoining courtesy on the part of the officials and at attempting to direct education seem to have been but of slight avail.

The agitation over the partition of Bengal continued unremittingly. Every year *rahki* day was observed with mourning.

Late in 1910 Lord Minto was succeeded by Lord Hardinge and Lord Crewe replaced Morley as secretary of state. In 1911 an attempt was made to "play the king and take the trick," by taking occasion to have George V assume the crown at a Grand Durbar at Delhi and grant seven boons.[2]

[1] *Bengalee*, June 14, 1910, p. 8, col. 4.

[2] The most important of these were: (1) the grant of half a month's pay to all soldiers, British and Indian, all sailors of the Royal and Indian Marine, and all subordinate civilians drawing fees less than fifty rupees (£13, 6*s*. 8*d*.) a month; (2) making officers and men of the India Army eligible for the Victoria Cross; (3) the release of certain prisoners undergoing sentences for crimes and misdemeanors; (4) the discharge of all civil debtors whose liabilities were small and due, not to fraud, but to real poverty, and the payment of their obligations; (5) the setting aside of fifty lakhs (£300,000) for the promotion of education with the promise of further grants in future years on a generous scale; (6) the transfer of the seat of government of the Indian Empire from Calcutta to Delhi; and (7) the establishment of the governorship of Bengal, with a new lieutenant-governorship for Behar, Chota-Nagpur, and Orissa, and a chief-commissionership for Assam.

By far the most important of these concessions was the repeal of Viscount Morley's "accomplished Fact," the partition of Bengal. Even it, however, produced no lasting effect. An all but successful attempt on the life of Baron Hardinge was made in December of the following year when a bomb was thrown down into the howdah of his elephant as he was making the triumphal state entry into the new capital, Delhi.

The boons of 1911 were the last political events of importance before the outbreak of the war. In 1912–14 came the visit of the Royal Public Service Commission, which beyond a voluminous report was without result. In 1914 there was an attempt to pass a new measure modifying the Council of India which was dropped; the concession of a legislative council in the Central Provinces was under consideration, and the first stages of the consolidating Indian Councils Act of 1915 were under way; but there were no developments of importance in the field of self-government. The war stopped for the time being further developments until the Parliamentary Committee with its radical proposals, which ripened into the Legislation of 1919, embodying what was frankly intended to be steps toward a real native control of provincial government.

The reforms brought to pass during the viceroyalty of Lord Minto were, therefore, the last material alterations effected in the structure of the government of India before the outbreak of the war. Viewed as a whole the changes effected since 1858 were far from revolutionary and considering that two generations had passed, indicated no startling success in the development of self-government. The process had indeed been a halting one, and apparently in spite of occasional instances of men like Lord Ripon there was before the war little and certainly no persistent, clearly formulated purpose of making India a self-governing country. England was more concerned with lightening the burden of administration by passing some of the labor off on to native shoulders.

The reforms in the field of provincial and imperial government were also actuated by the desire of securing the native point of view. The later reforms too seem to have been more or less concessions to soothe unrest and violence. English officials as a rule have been too immersed in the labor of operating the immense machine of government to devote any very serious effort to what seemed to them to be fantastic ideals. They at heart probably were lukewarm, to say the least, in promoting a policy which ultimately might lead to the expulsion of England from India. Most of them felt both from actual experience and hearsay a

profound distrust of the capabilities of the natives to conduct a stable or efficient government. The task has been big and on the whole the spirit was lacking which was necessary in view of the difficulties, to accomplish any material achievement in the development of self-government in India. In view of these facts it is not surprising that England has done so little in the way of developing self-government in India. It may be well, however, to summarize the principal changes effected during these two-score years.

In England the British electorate and Parliament in theory still remain supreme and the latter body has displayed on the whole an increasing interest in the affairs of the "Brightest jewel of the King's Crown." The secretary of state and his functions have remained practically unchanged. His Council, however, has received the addition of two native members.

In India the framework of administration was but little changed. The supreme authority to all intents and purposes was still the viceroy and his Council. The only break in this exclusive European circle was the admission of one native to this select body. In the provinces the functions of the governors and their subordinates, although somewhat enlarged, were essentially the same. In spite of much talk about the separation of executive and judicial functions the mainspring of the government of India, the district officers, still continued to carry on the real work of administration in the same old way.

The only qualification necessary to this statement is in the case of the municipalities and local boards, which were practically new creations since 1858. It was among them that the progress of native Indians toward control of India first began, and it is among them that they have achieved the greatest degree of success in assuming part of the work of administration.

Of later origin, but recently of more spectacular growth, were the legislative councils, both imperial and provincial. The enlargements of membership and powers effected in 1909 brought to a head the inevitable collision between the responsibility to Parliament, which England insists upon, and responsibility to Indian electorates, which from its very essence the concession of native members elected to express opinions on legislative measures involved. Up to the war the deadlock was broken by the vetoes of the governors and the viceroy, and the official majority in the Imperial Council. Further steps could not long be delayed. England has already been compelled to abandon the position that the legislative councils were in no way embryo parliaments. It

seems not unlikely that she will be compelled to concede still more, and it is difficult to see how any final stop can be made short of the ultimate renunciation of the authority of Parliament, at least to the extent that it has already been renounced in the cases of Canada, South Africa, and Australia.

The problem still before England is the same which Sir A. C. Lyall put into these words:

> I am always thinking of the probable fortunes of our empire, and trying to conceive it possible to civilize and convert an enormous nation by the mechanical processes of the present times by establishing schools and missionary societies. Also having civilized them and taught them the advantage of liberty and the use of European sciences, how are we to keep them under us and to persuade them that it is for their good that we hold all the high offices of government?[1]

It is also something more. It has become more and more a racial question. Will England be able to create in India a sentiment strong enough to keep India within the empire when it attains its full stature as a nation? If England succeeds it will be the greatest achievement in history. Two factors will probably decide the issue. One is whether the individual Englishmen of this generation lay aside the antipathy to a dark skin and brusque assumption of superiority that seems to gall the educated native so much, and second, whether England handles the situation in such a way that it becomes necessary for her to resort to military force to maintain her supremacy. If England fails to do the one or does the other, her days in India are numbered. In other words can England accomplish the apparently impossible?

This is not ignoring or minimizing the devotion displayed and immense assistance rendered to England by India during the war,[2] nor giving undue weight to the Ghadr conspiracy, the Moplah rising, the widespread disorder in the Punjab and Bengal, and the fact that the loyalty displayed was most noteworthy on the part of the princes of the native states whose thrones rest entirely on the continuation of British supremacy. There is but one enigma. Was it a case of loyalty to England and the empire, or an unhesitating preference for English as against German domination? We shall soon know. India is slowly reaching her majority as a nation in consciousness.[3] No more sig-

[1] M. Durand, *Life of A. C. Lyall*, p. 89.

[2] "Constitutional Reforms," *Parliamentary Papers*, East India, 1918, p. 19.

[3] *Ibid.*, p. 131.

nificant evidence can be needed than the Hindu Moslem entente of the Congress and the League in uniting on a program of reforms.

Did the climate permit colonization on a large scale and were not the native population so enormous and at the same time potentially so capable, it might be a different story, but as it is, India seems to be too immense, too remote, and of too inhospitable a climate to become a second Ireland, too inherently different in culture, interests, and race to become another Australia or Canada, and its native population too immense and capable to become a South Africa.

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THE DEVELOPMENT OF SELF-GOVERNMENT IN INDIA 1858–1914

By

CECIL MERNE PUTNAM CROSS

THE UNIVERSITY OF CHICAGO PRESS
CHICAGO, ILLINOIS

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